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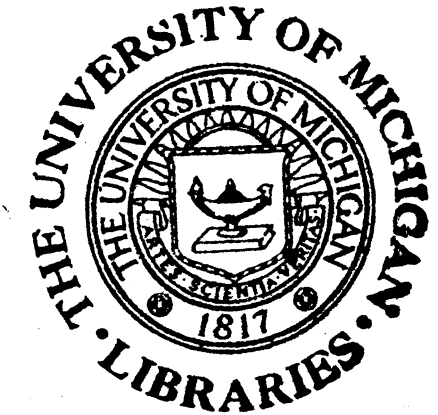
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American Territorial Development

SOURCE EXTRACTS

BY

HOWARD W. CALDWELL, A.M.

PROFESSOR OF AMERICAN HISTORY IN THE
UNIVERSITY OF NEBRASKA

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PREFACE

FEW questions have been more fundamental in American history than those connected with its territorial development. Some of the most exciting debates that ever took place in Congress were connected with this subject. In fact it will perhaps ultimately be found that nearly all the great political, social, industrial, and economic questions of our history may be unified more perfectly by connecting them with the frontier and the territorial development of the country than from any other point of view. Professor Von Holst has made us almost believe that the grouping should be around the question of slavery. However, much may be said in favor of another view. It may be found that slavery itself was only an episode in the opening up of a new country to habitation and civilization. Certainly slavery only became a national question when it became connected with the territorial issue. The admission of Missouri in 1820 was fought over so strenuously because of the existence of a vast empire of unoccupied country. Other illustrations of a similar nature might be

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drawn from other periods of our national history, but space does not permit calling attention to them in this connection.

Now if we turn to other important questions in our history we find even more conclusive proofs of their close and intimate connection with the territorial problem. Nearly the whole of the contests concerning internal improvements may be directly connected with the territorial acquisitions. The recent annexations promise to lead to a new application of this principle in the way of building up a great marine, and the construction of great Inter-Oceanic canals. Many phases of the tariff discussions may be found to be directly involved in this subject, and just at the present moment the political campaign of the year hinges in part on this aspect of the question. The money problem has always been to a greater or less degree connected with an east and a west, an old and a new section, a well-settled and a frontier region. But the frontier has ever been advancing westward by the annexation of new territory.

These suggestions are perhaps enough to arouse a further interest in this subject if there be any need to increase its intensity. The real danger, if there be one, lies not in a lack of interest, but in a failure to appreciate its fundamental character. Precedents will be cited without due investigation to determine whether the cases are similar. Conclusions

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will be drawn from false or imperfect data. Then if it be true that the very basis of all American life may be said to be found in its territorial development, does it not become us as American citizens to get as much light on the subject as possible?

The following studies on the first boundaries of the United States, and then of the origin of the National territory, and of its development by acquisition from time to time do not claim to be a complete presentation of the subject. For the investigator who desires to go to the bottom of the idea, they will be of value only as a suggestion. They were not prepared primarily for such. They were made with the high school and lower classmen in college in mind. It is believed that these studies may be used either as a basis for work supplemented by narrative texts, or they may themselves be made supplementary to the text placed in the hands of the pupil. In this connection I desire to make one suggestion to my fellow teachers, or perhaps rather to ask them a question. Do you believe it wise, and do you consider it pedagogically sound, to go over the work in the high school in the same way and from the same point of view as in the grades? Now, if the grade work has been from a narrative text in whole or in the main, why not vary the plan by using, very largely, source extracts when the course is repeated in the high schools? The general reader has also

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had a thought, so it is hoped that this little work may pass into the hands of many who otherwise would have no way to secure so much direct and primary material as is here given.

An earnest attempt has been made to select typical material. The aim at least has been an honest one. The reader is then asked to approach the subject in the same candid spirit, and judge accordingly.

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COLONIAL CLAIMS

America discovered by Columbus, 1492. Spain secures Florida, 1565. French in Canada, 1605. English at Jamestown, 1607. Dutch in New York, 1613. Swedes in Delaware, 1638. English conquer Dutch in New York, New Jersey, etc., 1664. French found New Orleans, 1718. Canada passes to England, 1763. Florida acquired by England, 1763. Independence declared, 1776

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CHAPTER I

COLONIAL CLAIMS

THE studies this year will have to do with the territorial development of the United States. The aim will be to make choice of such extracts as will tell the story of the formation of the original area, and its subsequent expansion to its present limits. Extracts from letters, from state papers, from diplomatic correspondence, and from speeches will give the results of wars, and of treaties which have had to do with determining acquisitions and boundaries.

In this first number an attempt will be made to give the basis for the claims of the various nations holding some portion of our present territory. Then a brief account will be presented of the struggle by the various European nations for the possession of what is now the United States. Some of the arguments for the various claims will follow. The importance of the different sections of the country as seen by contemporaries, will be of great interest to us as showing how far and well they could see into the future.

Matter for this first number is perhaps a little unsatisfactory. In the first place our ancestors were so prolific of words that it is

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almost impossible to find a statement of the various claims that is condensed enough to be used in our little papers. In general even a grant of land, or a claim by a nation of a certain section will be so long drawn out that no use can be made of it, as a whole. But again their sentences were so long that they are rarely separable so as to quote the essential parts. Even treaties were so voluminous that only a little—very often too little to make it definite—can be used to advantage. In the second place much of the matter itself is vague, and whole documents have to be used to get at the essence, or even at the meaning at all. Finally some documents that I should like to use are inaccessible. It is a pleasure to say that for the remaining numbers the available material is not only abundant, but it is also of the greatest value and interest. It is hoped that even this first number may make the beginnings of our domain, while we were yet English subjects, more vivid than it has been when pupil and teacher were mainly or wholly confined to some mere statement of the early territorial claims.

Something will be found concerning Spanish, French, Dutch, Swedish and English discoveries and explorations, hence claims. Again there will appear before us those who were contending for mastery in the various sections of North America. The extensions and contractions of possessions will be called to our notice by extracts from those who were taking part in

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the drama which finally decided that this continent should be held and developed under the guidance of the English race and language; that its institutions should be Teutonic rather than Celtic; that its religion should at first be Protestant, and then finally free for each man to decide according to his own conscience.

1. CLAIMANTS. BASIS,—DISCOVERY AND EXPLORATION.

(1.) *Spain.*

Columbus to Ferdinand and Isabella. Written 1492:

. . . Your Highness, as Catholic Christians, and princes who love and promote the holy Christian faith, . . . determined to send me, Christopher Columbus, to the above mentioned countries of India, . . to learn their dispositions and the proper method of converting them to our holy faith; and, furthermore, directed that I should not proceed by land to the East as is customary, but by a Westerly route. . . . Hereupon, . . . I set sail from the port, on Friday the the third of August, half an hour before sunrise, and steered for the Canary Islands, . . . thence to take my departure and proceed till I arrived at the Indies. . . . —*Ford, Writings of Columbus, pp. 27, 31.*

Columbus to Raphael Sanchez, 1493, Treasurer of Ferdinand and Isabella:

Knowing that it will afford you pleasure to learn that I have brought my undertakings to a successful termination, I have decided upon writing you this letter to acquaint you with all the events which have occurred in my voyage, and the discoveries which have resulted from it. Thirty-three days after my departure from Cadiz I reached the Indian sea, where I discovered many islands thickly peopled, of which I took possession without resistance, in the name of our most

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illustrious monarch, by public proclamation and with unfurled banner. . . . —*Ford, Life of Columbus pp. 33, 34.*

(2.) *France.*

The voyage of Verrazzano, 1524:

Since the tempests which we encountered on the northern coasts, I have not written to your most Serene and Christian Majesty concerning the four ships sent out by your orders to discover new lands. . .

On the 17th of last January we set sail from a desolate rock near the island of Madeira. . . . Sailing westward, . . we reached a new country which had never been seen by anyone, either in ancient or modern times. . . .

Taking our departure as I before observed from the above mentioned desert rocks, . . and in the latitute of 32 degress north from the equator, and steering a western course, we had run when we first made land a distance of 1200 leagues, or 4800 miles. . . . But to return to ourselves; in the voyage which we have made by order of your Majesty, in addition to the 92 degress we run toward the west from our point of departure, before we reached land in the latitude of 34, we have to count 300 leagues which we ran north-eastwardly, and 400 nearly east along the coast before we reached the 50th parallel of north latitude, the point where we turned our course from the shore towards home. . . . —*Old South Leaflets No. 17*

Discovery of the Mississippi. Account by Father James Marquette, 1673:

I embarked with M. Joliet, who has been chosen to conduct this enterprise, on the 13th of May 1673, with five other Frenchmen in two bark canoes. . . . Before embarking we all offered up prayers to the holy Virgin, which we continued to do every morning, placing ourselves and the events of the journey under her protection, and after having encouraged each other, we got into our canoes. The river upon which we embarked is called Mesconsin (Wisconsin) the river is very wide but the sand bars make it very difficult to

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navigate, which is increased by numerous islands covered with grape vines. . . . After having rowed ten leagues further, making forty leagues from the place where we had embarked, we came into the Mississippi on the 17th of June (1673). . . . We continued to descend the river, not knowing where we were to go, and having made a hundred leagues without seeing anything but wild beasts and birds, and being on our guard we landed at night to make our fire and prepare our repast, and then left the shore to anchor in the river, while one of us watched by turns to prevent a surprise. We went south and south-west nntil we found ourselves in about the latitude of 40° and some minutes, having rowed more than sixty leagues since we entered the river. . . . We descended the river looking for another called Pekitanoni (Missouri), which runs from the north-west into the Mississippi, of which I will speak more hereafter. . . . As we fell down the river, and while we were discoursing upon these monsters we heard a great rushing and bubbling of waters, and small islands of floating trees coming from the mouth of the Pekitanoni (Missouri), with such rapidity that we could not trust ourselves to go near it. The water of this river is so muddy we could not drink it. It so discolors the Mississippi as to make the navigation of it dangerous. This river comes from the northwest, and empties into the Mississippi, and on its banks are situated a number of Indian villages. We judged by the compass, that the Mississippi discharged itself into the gulf of Mexico. It would, however, have been more agreeable if it had discharged itself into the South Sea, or Gulf of California. . . . Having satisfied ourselves that the Gulf of Mexico was in latitude 31° 40′, and that we could reach it in three or four day's journey from the Akansea (Arkansas River), and that the Mississippi discharged itself into it, and not to the eastward of the Cape of Florida, nor into the California Sea, we resolved to return home. . . . We then ascended the Mississippi with great difficulty against the current and left it in the latitude of 38° north, to enter another river (Illinois), which took us to the lake

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of the Illinois (Michigan), which is a much shorter way than through the river Mesconsin (Wisconsin) by which we entered the Mississippi. . . . *Hart, American History Told by Contemporaries, Vol. I, pp. 136-40.*

(3) *England.*

The Voyages of the Cabots:

Henry, by the grace of God, King of England and France, and lord of Ireland, to all whom these presents shall come, Greeting:

Be it known that we have given and granted, to our wel-beloved John Cabot citizen of Venice, . . . full and free authority, leave, and power to saile to all parts, countreys, and seas of the East, of the West, and of the North, under our banners and ensignes . . . to seek out and discover, and finde whatsoever isles, countreys, regions or provinces of the heathen and infidels whatsoever they be, and in what part of the world soever they be, which before this time have been unknowen to all Christians: . . . and have given them licence to set up our banners and ensignes in every village, towne, castle, isle, or maine land of them newly found. . . . Witness our selfe at Westminster the fift day of March in the eleventh yeere of our reigne [1497].—*Old South Leaflet No. 37; Hakluyt I, p. 23.*

Extracts from a map of Sebastian Cabot:

In the year of our Lord 1497 John Cabot a Venetian, and his sonne Sebastian . . . discovered that land which no man before that time had attempted, on the 24 of June, (July?) about five of the clock early in the morning. . . . —*Hakluyt; Voyages of the English Nation to America, Vol. I, p. 24.*

Letter from Lorenzo Pasqualigo to his brothers Alvise and Francesco:

LONDON, August 23d, 1497.

Our Venetian, who went with a small ship from Bristol to find new islands, has come back, and says he has discovered, 700 leagues off, the mainland of the country of the Grau Cam, and that he coasted along

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it for 300 leagues, and landed, but did not see anybody. But he has brought here to the king certain snares spread to take game, and a needle for taking nets, and he found some notched trees, from which he judged that there were inhabitants. Being in doubt he came back to the ship. He has been away three months on the voyage, which is certain, and, in returning, he saw two islands to the right, but he did not wish to land, lest he should lose time, for he was in want of provisions. This king has been much pleased. He says that the tides are slack, and do not make currents as they do here. The king has promised for another time, ten armed ships as he desires; and has given him all the prisoners, except such as are confined for high treason, to go with him as he has requested; and has granted him money to amuse himself till then. Meanwhile he is with his Venetian wife and his sons at Bristol. His name is Zuam Talbot, and he is called the great admiral, great honor being paid him, and he goes dressed in silk. The English are ready to go with him, and so are many of our rascals. The discoverer of these things has planted a large cross in the ground with a banner of England, and one of St. Mark, as he is a Venetian; so that our flag has been hoisted very far away. – *Hart I, pp. 69-70.*

First Voyage to Virginia, by Captain Arthur Barlowe, 1584:

The 27th day of April, in the yeere of our redemption, 1584 we departed the West of England, with two barkes well furnished with men and victuals. . . . The second of July, we found shole water, where we smelt so sweet and so strong a smel, as if we had been in the midst of some delicate garden abounding with all kinde of odoriferous flowers, by which we were assured, that the land could not be farre distant: and keeping good watch, and bearing the slacke saile, the fourth of the same month we arrived upon the coast, which we supposed to be a continent and firm land, and we sayled along the same a hundred and twentie English miles before we could finde any entrance, or river issuing into the Sea . . . The soile is the

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most plentifull, sweete, fruitfull, and wholesome of all the world: there are about fourteene seuerall sweete smelling timber trees, and the most of their underwoods are Bayes, and such like: . . . And whereas we haue certified you of the countrey taken in possession by us, to her Majesties use, and to yours by her Majesties grant, wee thought good for the better assurance thereof, to record some of the particular Gentlemen, & men of accompt, who then were present, as witnesses of the same.—*Hart I, pp. 89-95.*

(4) *The Netherlands: Holland.*

Act of the States General of Netherlands, 1614.

. . . Greeting. BE IT KNOWN, Whereas We understand it would be honorable, serviceable and profitable to this Country, and for the promotion of its prosperity, as well as for the maintenance of sea faring people, that the good Inhabitants should be excited and encouraged to employ and occupy themselves in seeking out and discovering Passages, Havens, Countries and places that have not before now been discovered and frequented; . . . *Therefore*, We . . . grant and consent hereby that whosoever any new Passages, Havens, Countries or Places shall from now henceforth discover, shall alone resort to the same or cause them to be frequented for four voyages, . . . —*Documents relating to the Colonial History of New York, Vol. I, p. 5.*

Resolution of the States General on the Report of the Discovery of New Netherland.

Appeared at the Assembly the Deputies from the United Company of Merchants who have discovered and found New Netherland, situate in America between New France and Virginia, the sea coasts whereof lie in the Latitude of forty to forty five degrees. [Exclusive right to four voyages, within the next three years granted, as per the provisons in the preceeding extract.] —*Ibid, p. 10.*

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II.

DEVELOPMENT OF THE CONTEST FOR THE POSSESSION OF THE TERRITORY OF NORTH AMERICA.

(1) *Holland and Sweden and England.*

The South bay and South river, by many called the second great river of New Netherland, is situated in latitude 38 degrees 53 minutes. . . . The discovery itself was made at the same time as that of the North river, by the same ship and crew, who entered the South bay before they arrived at the North bay, . . . The Swedish Governor, thinking his opportunity now come, had a fort, called Elsenburch, erected at this place, and took great liberties with everyone, even with the [Dutch] Company's yachts, or such as would go up the South river; . . . What right these people have to do so we know not; . . . The English have also sought at divers times and places to annex this river, being, as they say, the nearest to it; but they have been prevented hitherto in this, by divers protests, and also by their being expelled by force, well knowing that if they but once happen to settle there, the river would be lost, or cause considerable trouble; for they would swarm to it in great numbers. . . . 'Tis to be borne in mind, that if these people come to settle there, they will so rapidly spread themselves over every place, that shortly neither Dutch nor Swedes will have much to say there; . . . —*New York Colonial Documents I, p. 292.*

(2) *Holland and England.*

No profit from New Netherland, if the duties on goods imported remain, 1650:

As New Netherlands with the present duties can not be populated, so this state [Holland] must no more expect those benefits which would in course of time accrue from thence, such as, first; from population, provisions and a continual trade which, if the duties were removed, would amount to six times more than it now is, and also increase from year to year and be of great

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consideration reciprocally from their High Mightinesses to everyone else. But on the contrary, this state will inevitably be subject to contempt and derision on the part of the English, (who in the course of time will absorb the country) for suffering so very advantageous a position and so profitable province as New Netherland to slip through its fingers, on account of some particular interests; and for still lacking means, with a knowledge of the superiority of the country, to retain it and render it prosperous.—*New York Colonial Document, I, 374.*

Boundary claimed by New Netherland:

Latitude 38 to 41½ degrees, which land they have many years since possessed, according to the Description hereunto annexed, before any other nations had come thereabouts, or discovered them; but on the favorable accounts received here from these parts, the English sent some ships and people thither, whom they settled to the Southward of us. That country they named Virginia. In like manner they, also, have planted Colonies to the North of us, which country they called New England, whither they conveyed so many people that they in a short time greatly outnumbered our nation. Becoming presumptuous in consequence, they began to encroach on our limits, and invaded many lands contrary to our formal interdicts and protests; so that on the North this Nation did not hesitate to make themselves masters of the greater part of the Fresh river, notwithstanding we had there erected a trading house and fort called the Hope, which we, likewise occupied and garrisoned. Regardless hereof, the English, on their side, have proceeded to extend their Colonies over many of our lands purchased from the Indians, and would have done their best to usurp the largest and finest portion of our territory, Had not the Managers [prevented]—*New York Colonial Documents, I, p. 546.*

Surrender of the New Netherlands to the English:

Aug. 31, 1664. Received a letter from the English General in answer to ours, but unsigned.

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1st, September. English Deputies came with said letter signed, setting forth in substance that his Majesty's right to this place was indisputable, without, however, wanting to enter into any debate thereupon, demanding its surrender, threatening if resisted, and promising to allow each to retain his property, if the place were voluntarily given up.

9th, September. And thereupon, without any other occurrence, was, as above stated, the place of New Amsterdam, in New Netherlands, situate on the Manhatans, surrendered to the English, the garrison retiring with all their arms, flying colors and beating drums; and thereby the English, without any contest or claim being put forth by any person to it, took possession of a fort built and continually garrisoned about 40 years at the expense of the West India Company [of Holland] —*New York Colonial Documents, II, 411, 415.*

(3) *England and France.*

Relation of English and French colonies; Mr. Penn's suggestions in regard to the colonies, 1700:

4. That great caution should be observed to adjust the bounds northward with the French com'rs or the losse will be great and irreparable. Wee take the South side of the River and Lakes of Canada to be our just and reasonable boundarys, soil and trade with the Indians being much concerned therein.—*New York Colonial Documents, IV. p. 757.*

Colonel Heathcote to Governor Hunter, July 8, 1715:

. . . As whether it would not be very proper with as little losse of time as may be, for your Excellency to desire a meeting or congresse at some convenient place, of all or as many of the Governours on this Continent as can with conveniency come & attend it; where it may be considered of and resolved what measures to take for extinguishing the fire already begun, and to prevent its increase; for as evry part of North America is struck at, so all our interests

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are the same, and what number soeyer is wounded or hurt, the whole ought to reckon themselves agrieved, and not carelessly suffer the French to angle us away, province by province, till at last all will be gone; and as it is impossible that we and the French can both inhabit this Continent in peace, but that one nation must at last give way to the other, so 'tis very necessary that, without sleeping away our time, all precautions immaginable should be taken to prevent its falling to our lotts to remove; and when your Excellency and the rest of the Governours have mett & considered what steps will be most fitting to take, it would then I humbly suppose, be very desirable that some person be sent home to lay their thoughts before His Majesty, and to solicit such assistance as may be thought needful; and as to the present view of things the whole Coast on a breach with France apears to be in danger enough, so could all the governments be brought to reason and to believe themselves as they really are to be but one family, and untill the tryall is over and 'tis known whether North America must belong to the French or to us, that besides the bare sulsisting themselves they would devote their persons and estates to end the dispute, by resolutions of this kind they might rest assured of all necessary assistance from His Majesty thoroughly to accomplish the work. But if the old rules are still put in practice, and those who are not imediately concerned will, like sheep, only stand gazing on, while the wolff is murthering and distroying other parts of the flock, it will come to every ones time at last.—*New York Colonial Documents, Vol. V. pp. 430-31.*

The French nation, having always been desirous to extend their dominons in America have lost no opportunity to encroach upon their neighbors there . . . However, as the French are convinced, that a Charter without possession can never be allowed by the law of nations to change the property of the soil; they have employed another artifice; and without embarrassing themselves about former discoveries, made by the subjects of other Princes have built small forts at the heads of lakes and rivers, along that vast tract

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of land, from the entry of the river St. Lawrence to the embouchure of the Mississippi. . . , On the Mississippi, and the branches of it, there are many great nations, especially to the West, as the Missouris, . . . not less, it is affirmed than 60,000 men; with all whom it is said the French have peace or some alliance. . . . In that part of this report, relating to the French settlements, we have taken notice, that nature has furnished the British Colonies with a barrier, which may easily be defended, having cast up a long ridge of mountains between your Majesty's Plantations and the french settlements, extending from South Carolina to New York. . . .

But although these Mountains may serve at present for a very good frontier, we should not propose them for the boundary of your Majesty's Empire in America. On the contrary, it were to be wished, that the British Settlements might be extended beyond them, and some small forts erected on the great Lakes. . . . [1721]—*New York Colonial Documents, Vol. V. p. 619, 622, 624.*

The value of Nova Scotia and America. W. Shirley to Duke of Newcastle, Dec. 1745:

. . ; To which I would beg leave to subjoin that it seems to me far from being improbable that the French will attempt the reduction of Nova Scotia early in the Spring. . . . But if they should not attempt Louisbourg they would irresistably break up all the Eastern Settlements of this Province and I doubt not the whole Province of New Hampshire itself, which which would make them masters of all Mast Country and Naval Stores and of a rich Soil for Corn as well as Cattle and this would also enable them to make a deep impression on all the Western frontier of this Province [Mass.,] New York and Connecticut, and, how far they might penetrate is not certain but so far at least as might make it very difficult to dislodge 'em and give such an hold of the Continent as to make 'em think in time of pushing with the assistance of the Indians for the mastery of it, which is richly worth contending for with all their might as it would in their hands lay the

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surest foundation for an Universal Monarchy by Sea and Land that ever a people had.

Shirley to Newcastle, Feb. 1746:

. . . But it seems plain upon the whole, that the French are making the Utmost Efforts to retain the Indians of those parts in their interest, and gaining over the Inhabitants of Nova Scotia, so that the Taking of Speedy measures for Securing these last and gaining over the former which will depend upon that as the preservation of Nova Scotia does upon both, is a matter of the Highest Consequence.

Shirley to Newcastle, May, 1746.

. . . it [gaining Accadie, holding Newfoundland and the Cod-fisheries] would furnish his Majesty with as good a Nursery of Seamen for the Royal Navy . . . that the holding of Annapolis Royal in particular will be establishing to his Majesty the Mastery of the Northern Part of this Continent against the French. Secure to him inexhaustible Nurseries of Masts, Yards, Bowsprits and other Stores for his Navy and Timbers for Ship building within his Northern Colonies independent of any foreign State to be purchased with British Manufacturers and transported in British Vessels—that the Inhabitants of the Northern Colonies would in time make such an Addition of Subjects to the Crown of Great Britain as would make their number Superior to that of any Princes upon the Continent of Europe.

Shirley to Newcastle, June 1746:

. . . And I would particularly submit to your Grace's Consideration, whether in case of any Disappointment in the present Attempt for the reduction of Canada, the immediate removal of some at least of the French Inhabitants of Nova Scotia, and securing the province in the best manner would not be . . . advisable and even necessary.

Shirley to Mascarem, Sept. 1746.

Having been inform'd that the french Inhabitants of Nova Scotia entertain some Jealousey of a Design in the English Government to remove them with their

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Families from their Settlements, and transport them to France or elsewhere; I desire . . . that you would be pleased to signify to 'em that it is probable if his Majesty had declared such an Intention I might have heard the same, but that I am persuaded there is no just Ground for this Jealousy; . . .

Shirley to Newcastle, Nov. 1746.

. . . Governor Knowles . . . informs me that it will be necessary to drive *all the French* . . . out of Accadie (Nova Scotia) in the spring, . . . As the Sentiments, which I have taken the Liberty to offer . . . happen to be something different from Mr. Knowles's, I think it may not only be proper, but my Duty to mention the Reasons of my prefering the scheme for attempting to make the present french Inhabitants good Subjects to his Majesty, and keeping 'em in the Country, to driving 'em off . . .

Shirley to Newcastle, Febr. 1747.

. . . And if your Grace would allow me the Freedom to offer my Sentiments concerning what appears to me to be farther necessary for putting this important Province of Nova Scotia (I think I may justly call it the most important to the Crown of any upon this Continent) in Security, . . . —*Parkman —A Half-Century of Conflict, Vol. II. Appendix, pp. 324, 326, 529, 331.*

French opinions of the value and extent of their possessions. M. de la Galissonniere, December, 1750.

. . . We shall not speak of the naval expedition the enemy [England] might be able to make for the conquest of Canada. . . .

But should they continue to increase the strength of their Colonies, and should the French Colonies not advance in the same proportion, 'tis not to be doubted but the former will soon be in a condition to lay Canada waste nearly to Montreal, and even to pillage the latter place, which would render the French as despicable in that country as they are now respected there, and terminate shortly in their entire ruin. [Then

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names various fortifications to be constructed, as Quebec, Montreal, Ft. Frontenac &c to prevent this.] . . .

What has been observed already in the course of this Memoir, when treating of the utility of Canada in regard to the preservation of Mexico, shows the absolute necessity of the free and certain communication from Canada to the Mississippi. This chain, once broken, would leave an opening of which the English would doubtless take advantage to get nearer the silver mines . . . That of the River Oyo [Ohio], otherwise called the Beautiful river, is the most interesting in this relation. . . Neither have the English any ports there, nor did they come to that quarter to trade . . . until the last war, . . .

They have been summoned since the peace, to return, and if they do not do so, there is no doubt but the Governor of Canada will constrain them thereto by force, . . .

They would [if they remained] possess more facilities to interrupt the communication between Canada and Louisiana, for the Beautiful river affords almost the only route for the conveyance from Canada to the River Mississippi, of detachments capable of securing that still feeble Colony. . . If the English ever become strong enough in America to dare to attempt the conquest of Mexico, it will be by this Beautiful river, . . .

By it alone will they be able to attack, with any considerable force, and any hope of success, the Illinois posts and all those which will be established along the River St. Louis, otherwise, Mississippi. . . . [Then establish posts on the Ohio]—*New York Colonial Documents. X, pp. 227, 230.*

By Lonqueuil, 1752:

In fine, experience teaches us too well, that the English look with concupiscence both on the lands of the Beautiful river, and generally on all that vast country. . . . No remedy for our evils would have been more effectual than to drive the English from our lands. . . . —*New York Colonial Documents X, p. 251.*

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Limits of English and French possessions, by Montcalm, 1758:

Lake Ontario, Lake Erie to France; the English cannot erect forts on these lakes, nor on any rivers emptying into them. The height of land, the natural boundary between France and England as far as the Ohio; thereby the Apalachies become the boundary for England; the Ohio to belong to France. . . . *New York Colonial Documents, X, 691.*

Canada to be lost if the war continues, by Doreil, 1758.

. . . War continuing, Canada would always finish by being taken sooner or later. We know, beyond a doubt that the Court of England, impelled by the frenzy of the nation, is resolved to invade it, at whatever cost. . . . 'Tis, therefore, absolutely necessary, . . . to think only of making peace, without being very particular about the boundaries. . . . —*New York Colonial Documents, X. 820.*

Articles of capitulation for the surrender of Canada:

. . . between their Excellencies General Amherst, . . . and the Marquis de Vaudreuil . . Governor and Lieutenant-General for the King in Canada.

Art. 1. The whole garrison of Montreal must lay down their arms, and shall not serve during the present war. Immediately after signing the present capitulation, the King's troops shall take possession of the gates, and shall post the guards necessary to preserve good order in the town.

Art. 13. If before, or after, the embarkation of the Marquis de Vaudreuil, news of peace should arrive, and that by treaty, Canada should remain to his most Christian Majesty, the Marquis de Vaudreuil shall return to Quebec or Montreal; everything shall return to its former state under the dominions of his most Christian Majesty, and the present capitulation shall become null and of no effect.

Art. 27. The free exercise of the Catholic, Apostolic

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and Roman religion shall subsist entire, in such manner that all the states and the people of the towns and countries, places and distant posts, shall continue to assemble in the churches, and to frequent the sacraments as heretofore, without being molested in any manner, directly or indirectly- . . .

Art. 30. If by the treaty of peace, Canada should remain in the power of his Britannic Majesty his most Christian Majesty shall continue to name the Bishop of the colony who shall be of the Roman commission, and under whose authority the people shall execute the Roman Religion.

Art. 46. The inhabitants and merchants shall enjoy all the privileges of trade, under the same favors and conditions granted to the subjects of his Britannic Majesty, as well in the Upper countries as in the interior.

Art. 47. The Negroes . . . of both sexes shall remain in their quality of slaves in the possession of the French and Canadians to whom they belong. . . . [Signed Sept. 8, 1760.]—*New York Colonial Documents, X. p. 1107-30.*

The Boundaries of Canada. Canada not to to be surrendered to England. By M. Dumas.

Commerce has changed the face of Europe; it is now evident that in the long run the more commercial nation will become the more powerful. We can no longer dispense with America without falling from our state of splendor. On the restitution of Canada depends the fate of the rest of our Colonies. These principles, clearer than the day, once admitted, that restitution [of Canada to France] ought to form the basis and foundation of the Treaty of Peace . . .

I limit their [the ambassadors'] labors, respecting Canada to four general objects:—

1st. The entire property of both shores of River and Gulf of St. Lawrence.

2nd. The property of the lakes and rivers which form the natural communications between Canada and Louisiana; they consist of Lake Ontario, Lake Erie and the Ohio.

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3rd. That neither of the two Nations can form any establishments on the rivers watering the possessions of the other. . . .

I have said, and repeat it, Louisiana cannot exist for us without Canada [Indicates certain boundaries, then says if these cannot be obtained] . . . 'tis more advantageous for France to promptly cede these two Colonies to the English, . . .

The second object of the labor of our plenipotentiaries relative to Canada, regards the communication of that Colony with Louisiana . . . Now that communication can occur only by the Ohio; . . .

To make the Ohio the boundary for the respective Colonies, is to surrender it entirely to the English. In fact, already the English population is advancing towards that river, it has only one step to take to clear the Apalachies, and that step would be taken the day after the signing of the treaty. The left bank of the Ohio would be under English cultivation in less than four years, whilst our population would not reach that point in the space of a century. Who does not see in that explanation the approaching and inevitable fall of Louisiana?

The entire possession of the Ohio cannot then be too much insisted on, the Apalachies constituting the limits;

. . .

I am fully convinced and every man of sense . . . will agree with me that all the resources of the state will never preserve Canada if the English once settle at the heads of the rivers. . . . [1762]--*New York Colonial Documents, Vol. X, pp. 1134-7.*

Conquests of the English. King's Speech to Parliament, Nov. 25, 1762:

. . . ; Martinico and other islands in the West Indies, have been conquered; the Havannah, a place of the utmost importance to Spain is in my possession; . . . Preliminary articles [of peace] have been signed by my minister, with those of France and Spain, which I will order in due time to be laid before you. The conditions of these are such, that there is not only an immense territory added to the Empire of Great

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Britain but a solid foundation laid for the increase of trade and commerce; . . . *The Anuual Register 1762, p. 180.*

Address of House of Lords to the King on receiving from him the Preliminary Articles of Peace Dec. 9, 1762:

Most Gracious Sovereign,

We, your Majesty's most dutiful and loyal subjects, the lords spiritual and temporal in parliament assembled, beg leave to return your majesty our sincerest acknowledgements, for the important communication which your Majesty has been graciously pleased to make us, of the preliminary articles of peace, concluded the third day of last month at Fountainbleau, with the crowns of France and Spain, and to express, in the most dutiful manner to your Majesty, the satisfaction we have received, at the foundation laid by these articles for a treaty of peace, which will greatly redound to your Majesty's honour, and the real benefit of your kingdoms; . . .

The House of Commons said:

Most Gracious Sovereign,

We your Majesty's most dutiful and loyal subjects, the Commons of Great Britain in parliament assembled, beg leave to return your Majesty our most humble and hearty thanks for your most gracious condescention in ordering to be laid before us the preliminary articles of peace concluded between your majesty on the one part and their most Christian and Catholic Majesties on the other; . . . and, altho' to make peace and war be your Majesty's just and undoubted prerogative yet knowing how agreeable it must be to your loyal mind to be informed of the grateful sense your people entertain of the justice and wisdom of your measures, and of your unwearied attention to our welfare, your faithful commons are impatient to express their approbation of the advantageous terms upon which your Majesty hath concluded preliminary articles of peace, and to lay before your majesty the

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hearty applause of a faithful, affectionate people.—*The Annual Register, 1762, pp. 231-32.*

Treaty of Peace, 1763, between England, France and Spain:

In the name of the most Holy and Undivided Trinity, Father, Son, and Holy Ghost. So be it.

Be it known to all those to whom it shall, or may, in in any manner, belong. It has pleased the Most High to diffuse the spirit of union and concord among the princes, whose divisions had spread troubles in the four parts of the world and to inspire them with the inclination to cause the comforts of peace to succeed to the misfortunes of a long and a bloody war, which having arisen between England and France, during the reign of the most serene and potent prince, George the Second, by the grace of God, king of Great Britain, of glorious memory, continued under the reign of the most serene and potent prince, George the Third, his successor, and, in its progress, communicated itself to Spain and Portugal: consequently the most serene and potent prince, George the Third, by the grace of God, king of Great Britain, France and Ireland, duke of Brunswick and Lunenbourg, arch-treasurer and elector of the Holy Roman Empire; the most serene and most potent prince, Lewis the Fifteenth, by the grace of God most Christian king; and the most serene and potent prince, Charles the Third, by the grace of God, king of Spain and of the Indies; after having laid the foundation of peace in the preliminaries, signed at Fountainbleau the 3d of November last; . . . determined to complete without delay, this great and important work.

ART. IV. His most Christian majesty renounces all pretentions which he has heretofore formed, or might form, to Novia Scotia or Arcadia, in all its parts, and guarantees the whole of it, and with all its dependencies, to the king of Great Britain; moreover his most Christian majesty cedes and guarantees to his said Britannic majesty, in full right, Canada with all its dependencies, as well as the island of Cape Breton, and all the other islands and coasts, in the Gulf and river of St. Lawrence, and, in general, everything that de-

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pends on the said countries, lands, islands and coasts, with the sovereignty, property and possession, and all rights acquired by treaty and otherwise, which the most Christian king and the crown of France, have had, till now, over the said countries, islands, lands, places, coasts and their inhabitants; so that the most Christian king cedes and makes over the whole to the said king and to the crown of Great Britain, and that in the most ample manner and form, without restriction and without any liberty to depart from the said cession and guarantee, under any pretense, or to disturb Great Britain in the possessions above mentioned. . . .

ART. VII. In order to re-establish peace on solid and durable foundations, and to remove forever all subjects of dispute with regard to the limits of the British and French territories on the continent of America, that for the future, the confines between the dominions of his Britannic majesty, in that part of the world, shall be fixed irrevocably by a line drawn along the middle of the river Mississippi, from its source to the river Iberville, and from thence, by a line drawn along the middle of this river, and the lake Maurepas and Pontchartrain, to the sea; . . .

ART. XIX. The king of Great Britian shall restore to Spain all the territory which he has conquered in the island of Cuba, with the fortress of the Havanna; . . .

ART. XX. In consequence of the restitution stipulated in the preceding article, his catholic majesty cedes and guarantees, in full right, to his Britannic majesty, Florida with fort St. Augustin, and the bay of Pensacola, as well as all that Spain possesses on the continent of North America, to the east or to the southeast of the river Mississippi, and, in general everything that depends on the said countries and lands with the sovereignty, property, possession, and all rights, acquired by treaties or otherwise, which the catholic king and the crown of Spain, have had till now, over the said countries, lands, places, and other inhabitants; so that the Catholic king cedes and makes over the whole to the said king, and to the crown of Great Britain, and that in the most ample manner and form. . . .— *Annual Register, pp. 233, 240.*

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QUESTIONS.

1. What was the basis of the claim of Spain to parts of North America? 2. What sea did Columbus mean by Indian sea? 3. What sea was it in reality? 4. State the basis of the claim of France? 5. What regions did France explore? 6. Who made voyages for the English? 7. What regions did they claim? 8. Give the basis of the Dutch claims. 9. Did any of these claims overlap? 10. Draw maps to show the territorial claims of the various claimants—1534, 1614, 1664.

1. What claimant gave up its claims first? 2. How did the Dutch regard the English as colonizers? 3. Were the Dutch skillful in managing their possessions? 4. What error did they make? 5. What present rivers were then known as Fresh, North, South? 6. When did Holland yield New Netherlands? 7. What was the Manhatans?

1. What boundaries did Penn suggest between English and French possessions? 2. How early was it felt that one or the other nation must yield its claims? 3. Why did Col. Heathcote believe the colonies should unite? 4. How were the French gaining territory? 5. Were the Indians generally with the French or English? 6. What boundaries proposed? 7. What the value of Nova Scotia to the English? 8. What the object of removing the inhabitants of Accadie? 9. What did the French call the Ohio river? 10. What value did they place on its possession? 11. What boundaries did the French wish to establish in America? 12. Give terms of surrender of Canada, 1760; also of final treaty of 1763. 13. What peculiar tone do you notice in the language of the addresses of the Lords and Commons to the King? 14. What territory did England gain in 1763? 15. Make a map to show possessions in 1764. 16. Write a history of the subject—"European Possessions in America, 1492-1765."

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FIRST NATIONAL BOUNDARIES

First territorial boundaries defined in treaty of peace, 1783. Area, 827,844 square miles. Southern boundary left in dispute with Spain, settled by treaty, 1795. Northeastern boundary left in doubt. Many discussions and later treaties. Received practical settlement, 1842. Northwestern boundary vague; settled to Rocky mountains, 1818.

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CHAPTER II

FIRST NATIONAL BOUNDARIES

IN the previous number we traced the gradual development of the English power on this continent. The Swedes, the Dutch, and the French lost possessions which were from time to time secured by the English. At the close of the period all North America, except the Island of New Orleans, was in the possession of the English. This number brings before us the formation of a new nation. In a general way the negotiations in regard to boundaries are outlined, and some of the many arguments concerning boundaries are presented. From these extracts something may be learned about the suspicions entertained by some of the American statesmen of the plans and purposes of Spanish, French, and English diplomats. Finally the boundaries as agreed upon are given. The danger that the United States might be strangled in their infancy by being confined to the coast district comes before us in various ways. However at the close we find that the boundaries secured were satisfactory to the newly forming American people.

The following extracts, indicate the feelings and state of mind of George III, in 1781-1782:

(June 18, 1781) It is difficult to express which appears more strongly, the manly fortitude of the great majority

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last night in rejecting the hacknied question of a Committee for considering the American war, or the impudence of the minority in again bringing it forward; for whoever the most ardently wishes for peace must feel that every repetition of this question in Parliament only makes the rebels and the Bourbon family more desirous of continuing the war, from the hopes of tiring out this country. We have it not at this hour in our power to make peace; it is by steadiness and exertions that we are to get into a situation to effect it; and with the assistance of Divine Providence, I am confident we shall soon find our enemies forced to look for that blessing. Among our many misfortunes, I feel one satisfaction—that we have but one line to follow; therefore, at least, diffidence and perplexity cannot attend us; and we have the greatest objects to make us zealous in our pursuit, for we are contending for our whole consequence, whether we are to rank among the great powers of Europe, or be reduced to one of the least considerable. He that is not stimulated by this consideration does not deserve to be a member of this community.

(Dec. 15, 1781). The account of the very great majority on the first motion on the Army Estimates last night gives me much pleasure and shews the country gentlemen begin to see that, though internal continental operations in North America are not advisable, the prosecution of the war can alone preserve us from a most ignominious peace, which, when once concluded, would certainly occasion much greater internal uneasiness than any difficulties at present to be contended with. . . .

(March 17, 1782). I am sorry to find by Ld. North's note that the majority this morning did not exceed nine; looks as if the House of Commons is going lengths that could not have been expected. I am resolved not to throw myself into the hands of the Opposition at all events, and shall certainly, if things go as they seem to lead, know what my conscience as well as honour dictates as the only way left for me. . . .

(March 19, 1782). . . . At last the fatal day has come which the misfortunes of the times and the sudden change of sentiments of the House of Commons

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have drove me to changing the Ministry, and a more general removal of other persons than I believe ever was known before. I have to the last fought for individuals, but the number I have saved, except my Bedchamber, is incredibly few. You would hardly believe that even the Duke of Montagu was strongly run at, but I declared that I would sooner let confusion follow than part with the governor of my sons and so unexceptionable a man; at last I have succeeded so that he and Ld. Ashburnham remain. The effusion of my sorrows has made me say more than I had intended, but I ever did and ever shall look upon you as a friend, as well as a faithful servant . . . —*From the Correspondence of King George III, Cited in Hart, American History Told by Contemporaries II, 618-19.*

Livingston, the Secretary of Foreign Affairs, under the Articles of Confederation, sent instructions to Franklin, at Paris, and the following arguments in regard to the boundaries we should claim in making peace with Great Britain; Jan. 7, 1782:—

The first point of discussion will be the limits of the United States. The instructions given to Mr. Adams on the ——— day of ——— last explain the wishes of Congress on that subject, nor can they admit of many doubts, except so far as they relate to our southern extent, the boundary between us and Canada being very well ascertained by grants, charters, proclamations and other acts of government, and more particularly by the settlements of people who are engaged in the same cause with us, and who have the same rights with the rest of the subjects of the United States.

Our western and northwestern extent will probably be contested with some warmth, and the reasoning on that subject be deduced from general principles and from proclamations and treaties with the Indians.

The subject is undoubtedly intricate and delicate, yet upon candid investigation I believe it will appear that our extension to the Mississippi is founded in justice and that our claims are at least such as the events of the war give us the right to insist upon. Your situa

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tion furnishing you amply with the various documents on which Great Britain founded her claim to all the country east of the Mississippi previous to the treaty of Paris, I will not trouble you with references to them, which would at any rate be imperfect, from the want which prevails here of books and papers. Taking it for granted that the King of Great Britain was entitled to that extent of country (which he at least cannot contravene), it only remains to examine how far he considers it as within the limits of some or other of the United States, because he can no more pretend to abridge those limits than claim by any other right of which the United States are in possession. . . .

. . . Strong evidence in our favor is also found in the map made by the king's geographer, in which Virginia and the Carolinas are laid down as extending to the Mississippi, shortly after the last war. Arguments may be drawn against us from the Quebec bill, but as this is one of the laws that occasioned the war, to build anything upon it would be to urge one wrong in support of another. But this matter may perhaps be seen in a different light, and our pretensions placed upon a more extensive basis, by recurring to general principles and asking whence Great Britain derived her right to the waste lands in America.

Evidently from the allegiance which a subject is supposed to carry with him wherever he goes, even though he dislikes his constitution and seeks one that pleases him better. Upon this false principle the oppressed subjects of Great Britain, seeking freedom in the wilds of America, were supposed to extend to it the sovereignty of the kingdom they had left. The rights of the king of Great Britain, then, to America were incident to his right of sovereignty over those of his subjects that settled America and explored the lands he claims. For the idea of right derived from mere discovery, and the vain ceremony of taking possession without planting and continuing that possession is now fully exploded. If, then, we admit what is necessary to our independence, that the right of sovereignty over the people of America is forfeited, it must follow that all rights founded on that sovereignty are forfeited with it; and that upon our setting up a new sovereign

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in America, the rights which the first claimed as such devolve upon the second. Upon this principle Great Britain is left without a foot of land in America beyond the limits of those governments which acknowledge her jurisdiction.

It is vain to say that the King of Great Britain holds these back lands by a cession from other powers, since those cessions were grounded upon a prior claim derived through the people of America, and only served to confirm the right which they gave the King of Great Britain while he was their sovereign, and which he loses with his sovereignty over them. This mode of reasoning is warranted by the practice Great Britain uniformly held of treating with the Indian nations through their American governors, who have frequently executed with them the most solemn acts, and sometimes extended the King's protection to the nations who occupy the waste lands which are the subject of our present claim. The expense of retaining these in friendship almost always devolved upon the respective states, who, til lately, particularly in New York, voted the sums necessary to support smiths among them and to procure the presents which were annually made them. From hence, then, it follows that if the King of Great Britain has any right over the back lands in America it must be as king of the people of America; ceasing to be king of those people, his right also ceases. If he has no right over the back lands but merely as protector of the savage nations that inhabit them, that connexion and duty also devolve upon us, since they evidently claimed that protection from him as king of the colonies, and through the governors of those colonies, and not as sovereign of a country three thousand miles from them. This country having chosen a new sovereign, they may rightfully claim its protection.

There is some reason to believe that Great Britain considered their rights in many instances as extending no further than their rights of pre-emption and protection, as may be inferred from passages in the negotiations for peace with France in 1761, referred to in the margin. This suggests a new idea, which, however, I am not warranted by any act of Congress in

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mentioning; and therefore you will only consider it as the sentiment of an individual. If the mediators should not incline to admit our claim, but determine on restricting our limits, either by the extent of our grants, the course of the mountains, the sources of the rivers, or any other of these arbitrary rules that must be sought for when solid principles are relinquished, perhaps it would not be difficult to bring them to agree that the country beyond those limits belongs to the nations which inhabit it; that it should enjoy its independence under the guarantee of France, Spain, Great Britain, and America, and be open to the trade of those whose lands border upon them.

This, though restrictive of our rights, would free us from the well grounded apprehensions that the vicinity of Great Britain and the command of the savages would give us. They already possess Canada and Nova Scotia; should that immense territory, which lies upon the rear of the States from the Gulf of St. Lawrence to the Gulf of Mexico, be acknowledged to be vested in Great Britain, it will render our situation truly hazardous. The lands, as you know, are infinitely better than those on the coast; they have an open communication with the sea by the rivers St. Lawrence and the Mississippi, and with each other by those extensive inland seas with which America abounds. They will be settled with the utmost rapidity from Europe, but more particularly from these States. Attachment to the government, freedom from taxes, a prospect of bettering their fortunes, and the fertility of the soil will invite numbers to leave us. This coöperating with the leaven of dissatisfaction, which will continue to work for many years, may produce the most dangerous effects, especially upon the southern States, which will, from the nature of their soil and husbandry, be thinly settled for many years, while the lands which lie near them, beyond the mountains, will soon be filled with a hardy race of people inimical to them, who to their own strength will be enabled to join that of the savages subject to their command.

If it is an object with the maritime powers to lessen the powers, and thereby diminish the dangerous do-

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minion that Great Britain has in some manner usurped over the ocean. they must prevent her possessing herself of the country in question, since, besides the whole fur and peltry trade that she will thereby engross, the demands of this great country will give a new spring to her manufactures, which, though the Floridas should be ceded to Spain, will find their way into it by the river St. Lawrence and through the numerous lakes and rivers which communicate with it. Add to this that settlements are already formed beyond the Appalachian mountains by people who acknowledge the United States, which not only give force to our claims, but render a relinquishment of their interest highly impolitic and unjust. These and a variety of other reasons, which will suggest themselves to you and the gentlemen joined in the commission with you, will doubtless be urged in such terms as to convince the court of France that our mutual interests conspire to keep Great Britain from any territory on this continent beyond the bounds of Canada. Should the Floridas be ceded to Spain, she will certainly unite with you on this point as the security of that cession will depend upon its success. . . . —*Sparks' Diplomatic Correspondence, II, 194; also Diplomatic Correspondence of the American Revolution, V, 88-90.*

R. R. Livingstone to the Governors of the States, Feb. 18, 1782:

. . . Another resolution relates to your boundaries, and is designed as our means of ascertaining the territorial rights of the United States collectively, which can only be accurately known by each State's exhibiting its claims and the evidence on which they found them. Your excellency will therefore be pleased to direct authentic copies from your records of all grants, charters, maps, treaties with the natives, and other evidences, to be transmitted to this office as soon as you can conveniently collect them. I could wish that the copies might be proved by having the great seal of your State annexed. . . . —*Diplomatic Correspondence of the American Revolution, V, 180.*

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Feeling in regard to the plans and action of Spain in 1782. R. R. Livingston to Jay.

Though the delays you have met with afford room to suspect that Spain wishes to defer a particular treaty with us till a general peace, yet I see so many political reasons against such a measure, that I can hardly presume they will adopt it. . . .

Will it consist with the dignity of his Catholic majesty to ask, for the short space in which he has been engaged in the war, not only Gibraltar, but the two Floridas, the Mississippi, the exclusion of Great Britain from the trade to the Bay of Honduras. . . . Will she (Spain) expose herself to the imputation of despoiling an ally (for such we are in fact, though we want the name), at the instant that she is obtaining the greatest advantage from the distress which that ally has, at least in part, contributed to bring upon her enemy? And this, too, without the least necessity, when she may, by accepting and purchasing our title, appear to have contended for the rights of the United States. . . . —*Diplomatic Correspondence. V, 334.*

A resolution passed by Congress, May 31, 1782. Evidently there was something in the wind. What was it?

Resolved, That the Secretary for Foreign Affairs acquaint the minister plenipotentiary of France, that the signal proofs of inviolable constancy to his engagements, given by his most Christian majesty in the answer to the attempts of the British courts to seduce him into a separate peace, has been received by Congress with the sentiments with which it ought naturally to inspire faithful and affectionate allies, and entirely corresponds with the expectations which the magnanimity and good faith of his past conduct established. That Congress embrace with particular satisfaction this occasion of renewing to his most Christian majesty the assurances which they have so often and so sincerely repeated, of a reciprocal and equal resolution to adhere in every event to the principles of the alliance, and to hearken to no propositions of peace which are

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not perfectly conformable thereto. . . . *Diplomatic Correspondence V, 464-65.*

The following "notes for conversation" with Mr. Oswald, taken from Franklin's Journal of April 18, 1782, shows what territory he wished the United States to secure at peace.

To make a peace durable, what may give occasion for future war should, if practicable, be removed.

The territory of the United States and that of Canada, by long extended frontiers, touch each other. . . Britain possesses Canada. Her chief advantage from that possession consists in the trade for peltry. Her expenses in governing and defending that settlement must be considerable. It might be humiliating to her to give it up on the demand of America. Perhaps America will not demand it; some of her political rulers may consider the fear of such a neighbor as the means of keeping the thirteen states more united among themselves, and more attentive to military discipline. But on the mind of the people in general, would it not have an excellent effect if Britain should voluntarily offer to give up this province; though on these conditions that she shall, in all times coming, have and enjoy the right of free trade thither, unincumbered with any duties whatsoever; that so much of the vacant lands there shall be sold as will raise a sum sufficient to pay for the houses burnt by the British troops and their Indians; and also to indemnify the royalists for the confiscation of their estates? . . . *Cited in Diplomatic Correspondence of the American Revolution V, 541.*

Should the American commissioners treat with England without the consent of her allies? Franklin's Journal, June 5, 1782.

Mr. Grenville then discoursed of our resolution not to treat without our allies. This, says he, can only properly relate to France, with whom you have a treaty of alliance, but you have none with Spain, you have none with Holland. If Spain and Holland, and even if France should insist upon unreasonable terms of ad-

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vantage to themselves, after you have obtained all you want, and are satisfied, can it be right that America should be dragged on in a war for their interest only? He stated this matter in various lights, and pressed it earnestly. I resolved from various reasons to evade the discussion, therefore answered, that the intended treaty not being yet begun, it appeared unnecessary to enter into considerations of that kind— . . . —*Cited in Diplomatic Correspondence V, 567.*

Powers of Richard Oswald, given by King George III, July 25, 1782:

. . . And it is our royal will and pleasure, and we hereby authorize, empower and require you, the said Richard Oswald, to treat, consult, and conclude, with any commissioner or commissioners, named or to be named by the said colonies or plantations, and any body or bodies, corporate or politic, assembly or assemblies, or descriptions of men, or person or persons, whatsoever, a peace or truce with the said colonies or plantations, or any of them, or any part or parts thereof; any law, act, or acts of Parliament, matter or thing, to the contrary notwithstanding. —*Ibid, 613-14.*

Debate in Congress, August 8, 1782, concerning the instructions to be given to our peace commissioners:

Mr Lee differs in opinion with the gentleman from North Carolina. It is not sufficient that the independence of these States is secured. But he doubts whether even that is secured by the instructions. He is afraid of the accompaniment; that we shall be so circumscribed in our boundaries that our independence will be a nugatory independence. France in making a treaty will be governed by her own interest and from her long and close connection with Spain, and prefer it to ours. Is it wise, is it proper, to give a nation the absolute disposal of our affairs that is under the influence of two interests which she is bound to consult in preference to that of these States? This unlimited con-

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fidence will render us despicable in the eyes of France and make her less attentive to our rights. We have been informed by a minister of France that Spain has large claims on the lands beyond the mountains. Her conduct shows that she means to support her claim to that country. She wishes to confine us to the lands lying below the heads of waters falling into the Atlantic. We are told that she thinks she has a right to possess herself of all to the westward. And shall we submit to France, her old friend and ally, whether her claims shall be confirmed and we be excluded from the possession of that country? . . .

Mr. Rutledge said it was true France was bound to maintain the independence of the States, but he wanted to know what were the States. He did not enter into the war for himself or for those inhabiting the lands of the waters falling into the Atlantic, but for posterity, for those who would hereafter inhabit the country beyond the mountains to the extent formerly claimed by the crown of Great Britain as belonging to these thirteen States. He would continue the war forever rather than be circumscribed in narrower bounds. He should therefore be against postponing. . . .

Mr. Witherspoon seemed to admit that the minister had desired the committee to fix their boundaries; that it could not be done so as to make it an ultimatum to the satisfaction of all the States. He observed that the happiness of the people on this side of the Alleghany Mountains was a sufficient object to induce them to enter into the war; that some of the States had their boundaries fixed and determined; that the State he had the honor to represent was one of them; that it had not entered into the war nor would it, he believed, be willing to continue it for the sake of boundless claims of wild, uncultivated country, more especially as it was a matter of dispute and will undoubtedly occasion much contention among the States to whom that country if ceded will of right belong; that what related to a treaty of commerce will come within the objects of the present motion; he is therefore against postponing it. . . . —*Cited in Diplomatic Correspondence, etc., V, 646, 649, 650, extracted from the papers of Charles Thomson, Secretary of the Continental Congress.*

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Proposed boundary line, Oct. 8, 1782:

The said states are bounded north by a line drawn from the north-west angle of Nova Scotia, along the highlands which divide those rivers which empty themselves into the river St. Lawrence, from those which fall into the Atlantic Ocean, to the northermost head of Connecticut River; thence down along the middle of that river to the 45th degree of north latitude, and thence due west in the latitude 45 degrees north from the equator, to the northwesternmost side of the river St. Lawrence or Cadaraqui; thence straight to the south end of the Lake Nipissing, and thence straight to the source of the river Mississippi; west, by a line to be drawn along the middle of the river Mississippi; from its source to where the said line shall intersect the 31st degree of north latitude; south by a line to be drawn due east from the termination of the line last mentioned, in the latitude of 31 degrees north of the equator, to the middle of the river Apalachicola or Catahouchi; thence straight to the head of St. Mary's River; thence down along the middle of St. Mary's River to the Atlantic Ocean, and east by a line to be drawn along the middle of St. John's River from its source to its mouth in the bay of Fundy; comprehending islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due east from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other shall respectively touch the Bay of Fundy and the Atlantic Ocean. . . . —*Diplomatic Correspondence, V, 806.*

Extracts from the Conferences of M. de Rayneval (French Minister) with Lord Shelburne, Oct. 1782, concerning boundaries. Rayneval is speaking:—

. . . As for the extent of the boundaries, I supposed that the Americans would take it according to their maps; that is to say, that they would wish to go from the ocean to the South Sea. Lord Shelburne treated the maps as nonsense, and the discussion did not go

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further because I wanted neither to sustain or dispute his position. I only said that the English ministry would find in the negotiations of 1754, relating to Ohio, the boundaries that England, then sovereign of the 13 United States, thought fit to assign them. . . . —*Diplomatic Correspondence, etc., V, 822.*

John Adams' account of the negotiations between the American and the English commissioners concerning peace, **Oct. 31, 1782:**

. . . I waited forthwith on Mr. Jay, and from him learned the state of the conferences. It is not possible at present to enter into details. All I can say is in general, that I had the utmost satisfaction in finding that he had been all along acting here in the same principles upon which I had ventured to act in Holland, and that we were perfectly agreed in our sentiments and systems. I cannot express it better than in his own words: "to be honest and grateful to our allies, but to think for ourselves." I find a construction put upon one article of our instructions by some persons which, I confess, I never put upon it myself. It is represented by some as subjecting us to the French ministry, as taking away from us all right of judging for ourselves, and obliging us to agree to whatever the French ministers should advise us to, and to do nothing without their consent. I never supposed this to be the intention of C ngress; if I had, I never would have accepted the commission, and if I now thought it their intention I could not continue in it. I can not think it possible to be the design of Congress: if it is I hereby resign my place in the commission and request that another person may be immediately appointed in my stead. . . .

. . . I arrived in a lucky moment for the boundary of the Massachusetts, because I brought with me all the essential documents relative to that object, which are this day to be laid before my colleagues in conference at my house, and afterwards before Mr. Oswald o

It is now apparent, at least to Mr. Jay and myself, that in order to obtain the western lands, the naviga-

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tion of the Mississippi, and the fisheries, or any of them, we must act with firmness and independence; as well as prudence and delicacy. With these there is little doubt we may obtain them all. . . . —*Diplomatic Correspondence, V, 839.*

Extract from Adams' Journal, Nov. 5, 1782.

. . . Mr. Jay likes Frenchmen as little as Mr. Lee and Mr. Izard did. He says they are not a moral people. They know not what it is. He don't like any Frenchman. The Marquis de La Fayette is clever, but he is a Frenchman. Our allies don't play fair he told me. They were endeavoring to deprive us of the fishery, the western lands, and the navigation of the Mississippi. They would even bargain with the English to deprive us of them. They want to play the western lands, the Mississippi, and the whole Gulf of Mexico into the hands of Spain.

Oswald talks of Pulteney and a plot to divide America between France and England. France to have New England. They tell a story about Vergennes and his agreeing that the English might propose such a division, but reserving a right to deny it all. These whispers ought not to be credited by us. . . . *Ib. V, 849.*

Extract from a letter of J. Adams to R. R. Livingstone, Nov. 8, 1782.

. . . If we conduct ourselves with caution, prudence, moderation and firmness we shall succeed in every great point; but if Congress or their ministers abroad suffer themselves to be intimidated by threats, slanders or insinuations, we shall be duped out of the fishery, the Mississippi, and much of the western lands, compensation to the tories, and Penobscot, at least, if not Kennebec as our eastern boundary. This is my solemn opinion, and I will never be answerable to my country, posterity, or my own mind for the consequences that might happen from concealing it.

It is for the determinate purpose of carrying these points that one man, who is submission itself, is puffed up to the very top of Jacob's ladder in the clouds and

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every other man depressed to the bottom of it in the dust. This is my opinion; let me be punished for it, for assuredly I am guilty.—*Ib. V, 866.*

Letter of J. Jay to Livingston, Nov. 17, 1782. In this letter Jay outlines his suspicions in regard to the policy of France, and D' Aranda, the Spanish minister at the French court:

Hence it happened that I did not meet Count D' Aranda on business till a month afterwards, when, agreeably to a previous appointment, I waited upon him.

He began the conference by various remarks on the general principles on which contracting nations should form treaties, on the magnanimity of his sovereign, and on his own disposition to disregard trifling considerations in great matters. Then opening Mitchell's large map of North America, he asked me what were our boundaries. I told him that the boundary between us and the Spanish dominions was a line drawn from the head of Mississippi down the middle thereof to the thirty-first degree of North latitude, and from thence by the line between Florida and Georgia.

He entered into a long discussion of our right to such an extent and insisted principally on two objections to it: 1st. That the western country had never belonged to or been claimed as belonging to the ancient colonies. That previous to the last war, it had belonged to France, and after its cession to Britain remained a distinct part of her dominions, until by the conquest of West Florida and certain posts on the Mississippi and Illinois, it became vested in Spain. 2dly. That supposing the Spanish right of conquest did not extend over *all* that country, still that it was possessed by free and independent nations of Indians, whose lands we could not with any propriety consider as belonging to us. He therefore proposed to run a longitudinal line on the east side of the river for our western boundary; and said that he did not mean to dispute about a few acres or miles, but wished to run it in a manner that would be convenient to us; for,

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though he could never admit the extent we claimed, yet he did not desire to crowd us up to our exact limits. . . .

A few days afterwards he sent me the map with his proposed line marked on it in red ink. He ran it from a lake near the confines of Georgia, but east of the Flint river, to the confluence of the Kanawa with the Ohio, thence round the western shores of Lakes Erie and Huron, and thence round Lake Michigan to Lake Superior.

On the 10th of August I carried this map to the Count de Vergennes and left it with him. Dr. Franklin joined with me in pointing out the extravagance of this line; and I must do him the justice to say, that in all his letters to me, and in all his conversations with me respecting our western extent, he has invariably declared it to be his opinion that we should insist upon the Mississippi as our western boundary, and that we ought not, by any means, to part with our right to the free navigation of it. . . .

The Count d'Aranda was very urgent that I should mark on his map some line or other to the eastward of the Mississippi to which we could agree; and on the 26th of August we had another conference on these subjects. I told him frankly that we were bound by the Mississippi and that I had no authority to cede any territories east of it to his Catholic majesty, and that all I could do relative to it was to transmit his proposition to Congress for their consideration. . .

The question between Spain and the United States of North America is, how to regulate their respective limits toward the Ohio and the Mississippi. The Americans pretend that their dominion extends as far as the Mississippi; and Spain maintains the contrary.

M. de Rayneval makes the following memoir respecting the right of the United States to the navigation of the Mississippi; also suggests a boundary line:

The principles now established are as applicable to Spain as to the United States. This power can not extend its claims beyond the bounds of its conquests.

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She can not, therefore, pass beyond the Natchez, situated towards the thirty-first degree of latitude; her rights are, therefore, confined to this degree; what is beyond is either independent or belonging to England; neither Spain nor the Americans can have any pretentions thereto. The future treaty of peace can alone regulate the respective rights.

The consequence of all that has been said is, that neither Spain nor the United States has the least right of sovereignty over the savages in question, and that the transactions they may carry on as to this country would be to no purpose. . . .

This arrangement may be made in the following manner. A right line should be drawn from the eastern angle of the Gulf of Mexico, which makes the section between the two Floridas, to Fort Toulouse, situated in the country of the Alabamas. [various places here mentioned]. This last to be followed to its source, from whence a right line is to be drawn to Cumberland River, whose course is to be followed until it falls into the Ohio. The savages to the westward of the line described should be free under the protection of Spain; those to the eastward should be free, and under the protection of the United States; or, rather, the Americans may make such arrangements with them as is most convenient to themselves. The trade should be free to both parties. . . . Whatever may be the case with that part which is beyond this point to the north, the United States of America can have no pretentions to it, not being the masters of either border of this river. . . .

The perusal of this memoir convinced me—

1st. That this court [French] would, at a peace, oppose our extension to the Mississippi.

2dly. That they would oppose our claim to the free navigation of that river.

3dly. That they would probably support the British claims to all the country above the thirty-first degree of latitude, and certainly to all the country north of the Ohio. . . .

NOTE.—Jared Sparks believes the facts do not sustain Mr. Jay.—*Diplomatic History, VI, 22. 23, 24, 25,*

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Mr. Jay in the same letter makes the following remarks in regard to the relation England and the United States should sustain to each other:

That it would not be less impolitic [for England] to oppose us on the point of boundary and the navigation of the Mississippi—

1st. Because our right to extend to the Mississippi was proved by our charters and other acts of the government and our right to its navigation was deducible from the laws of nature and the consequences of revolution, which vested in us every British territorial right. It was easy, therefore, to foresee what opinions and sensations the mere attempt to dispossess us of these rights would diffuse throughout America.

2ndly. Because the profits of an extensive and lucrative commerce, and not the possession of vast tracts of wilderness, were the true objects of a commercial European nation.

That by our extending to the Mississippi to the West, and to the proclamation bounds of Canada to the North, and by consenting to the mutual free navigation of our several lakes and rivers, there would be an inland navigation from the Gulf of St. Lawrence to that of Mexico by means of which the inhabitants west and north of the mountains might with more ease be supplied with foreign commodities from the ports of the Atlantic and that this immense and growing trade would be in a manner monopolized by Great Britain, as we should not insist that she should admit other nations to navigate the waters that belonged to her. That, therefore, the navigation of the Mississippi would in future be no less important to her than to us, it being the only convenient outlet through which they could transport the productions of the western country, which they would receive in payment for the merchandise vended there.

That as to retaining any part of that country, or insisting to extend Canada so as to comprehend the lands in question, it would be impolitic for these further rea-

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sons. Because it would not be in their power either to settle or govern that country; that we should refuse to lend them any aid, and that the utmost exertions of Congress could not prevent our people from taking gradual possession of it by making establishments in different parts of it. That it certainly could not be wise in Britain, whatever it might be in other nations, thus to sow the seed of future war in the very treaty of peace, or to lay in it the foundation of such distrusts and jealousies as on the one hand would forever prevent confidence and real friendship, and on the other naturally lead us to strengthen our security by intimate and permanent alliances with other nations.

I desired Mr. Vaughan to communicate these few remarks to Lord Shelburne, and to impress him with the necessity and policy of taking a decided and manly part respecting America. . . . —*Diplomatic Correspondence, VI, 31-32.*

J. Adams to Livingston, Nov. 18, 1782:

. . . What can we do? If the French minister advises us to cede to the Spaniards the whole river of the Mississippi and five hundred miles territory to the eastward of it, are we bound by our instructions to put our signature to the cession, when the English themselves are willing that we should extend to the river, and enjoy our natural right to its navigation? . . . —*Ib., VI. 52-53.*

Boundary article from the preliminary treaty of peace, Nov. 30, 1782:

ARTICLE II. From the northwest angle of Nova Scotia, viz., that angle which is formed by a line drawn due north from the source of the St. Croix River to the highlands, along the highlands which divide those rivers that empty themselves into the river St. Lawrence from those which fall into the Atlantic ocean, to the northwesternmost head of Connecticut river; thence down along the middle of that river to the 45th degree of north latitude; from thence by a line due west on said latitude until it strikes the river Iroquois or Cataroquy; thence along the middle of said river into Lake Ontario: through the

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middle of said lake until it arrives at the water communication between that lake and Lake Erie; through the middle of said lake until it arrives at the water communication between that lake and Lake Huron, thence along the middle of said water communication into the lake Huron; thence through the middle of said lake to the water communication between that lake and Lake Superior; thence through Lake Superior northward to the Isles Royal and Phipippeaux to the Long Lake: thence through the middle of said Long Lake and the water communication between it and the Lake of the Woods to the said Lake of the Woods; thence through the said lake to the most northwestern part thereof; and from thence on a due west course to the river Missis. sippi; thence by a line to be drawn along the middle of the said river Mississippi until it shall intersect the northernmost part of the 31st degree of north latitude south by a line to be drawn due east from the determination of the line last mentioned in the latitude of 31st degree north of the equator, to the middle of the river Apalachicola or Catahouchi, thence along the middle thereof to its junction with the Flint River, thence straight to the head of St. Mary's River to the Atlantic Ocean. East by a line to be drawn along the middls of the River St. Croix from its mouth in the Bay of Fundy to its source; and from its source directly north to the aforesaid highlands which divide the rivers that fall into the Atlantic Ocean from those which fall into the river St. Lawrence, comprehending all islands within twenty leagues of any part of the shores of the United States, and lying between lines to be drawn due East from the points where the aforesaid boundaries between Nova Scotia on the one part and East Florida on the other, shall respectively touch the Bay of Fundy and the Atlantic Ocean; excepting such islands as now are, or heretofore have been, within the limits of the said province of Nova Scotia. . . . *Diplomatic Correspondence, VI, 97-98.*

Adams, Franklin, Jay, and Laurens write to Livingston as follows, December 14, 1782:—

Sir:—We have the honor to congratulate Congress on

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the signature of the preliminaries of a peace between the crown of Great Britain and the United States of America, to be inserted in a definite treaty so soon as the terms between the crowns of France and Great Britain shall be agreed on. A copy of the articles is here enclosed, and we cannot but flatter ourselves that they will appear to Congress, as they do to all of us, to be consistent with the honor and interest of the United States; and we are persuaded Congress would be more fully of that opinion if they were apprized of all the circumstances and reasons which have influenced the negotiation. Although it is impossible for us to go into that detail, we think it necessary, nevertheless, to make a few remarks on such of the articles as appear most to require elucidation.

REMARKS ON ARTICLE 2, RELATIVE TO BOUNDARIES.

The court of Great Britain insisted on retaining all the territories comprehended within the Province of Quebec by the act of Parliament respecting it. They contended that Nova Scotia should extend to the river Kennebec; and they claimed not only all the lands in the western country and on the Mississippi which were not expressly included in our charters and governments, but also all such lands within them as remained ungranted by the King of Great Britain. It would be endless to enumerate all the discussions and arguments on the subject.

We knew this court and Spain to be against our claims to the western country, and having no reason to think that lines more favorable could ever have been obtained, we finally agreed to those described in this article; indeed they appear to leave us little to complain of and not much to desire. Congress will observe that, although our northern line is in a certain part below the latitude of forty-five, yet in others it extends above it, divides the Lake Superior, and gives us access to its western and southern waters, from which a line in that latitude would have excluded us.—*Ib. VI, 131-32.*

Madison's Report of Debates in Congress, relating to the treaty of peace, Dec. 24, 1782;—

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. . . If Great Britain, therefore, yields the fisheries and the back territory, America will feel the obligation to her, not to France, who appears to be liberal as to the first and favorable to Spain as to the second object, and consequently has forfeited the confidence of the States interested in either of them. Candor will suggest, however, that the situation in France is and has been extremely perplexing. The object of her blood and money was not only the independence, but the commerce and gratitude, of America; the commerce to render independence the more useful, the gratitude to render that commerce the more permanent. It was necessary therefore, she supposed, that America should be exposed to the cruelties of her enemies and be made sensible of her own weakness, in order to be grateful to the hand that relieved her. . . —*Diplomatic Correspondence, VI, 162.*

Gerrard to Vergennes, Jan'y 28, 1779. This is very suggestive of the views at that time:

I must tell you, sir, that my suggestions relative to Florida and the Mississippi made a good deal of impression. The committee on foreign relations, composed of a delegate from each State, has been especially charged with that object. The committee made it the subject of several of its sittings, and the President declared to me that the committee did not want to do anything without my previous advice. The majority inclines to my views; some others wanted to find a compromise; and others thought that possession of the navigation of the Mississippi is absolutely indispensable. The two latter classes base themselves on the interests of the population which is settled on the Ohio and Illinois Rivers in the Natchez Country and in eastern Florida. They say that they can not abandon their compatriots who have established themselves there as a part of the nation, and who demand to be admitted to the American Confederation. I answered that in a matter of such supreme importance we must not permit considerations of personal interest and convenience to interfere with what may be the general interests of the republic. I repeated the arguments of

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which I have already had the honor to render an account to you, and I added that the United States had not the slightest right to the possessions of the King of England that did not equally belong to the King of Spain when he was at war with England; that their title was limited to the territory that they held as English colonies; that claiming settlements outside would be at variance with the principles of justice and of equity that directed the revolution, and would show an unjust desire of conquest even before they had taken their just shape: that their ambition imposed upon me the necessity of not concealing from them my sentiments; I declared that the King would never prolong the war for one day to procure them the possessions that they coveted; that this claim was totally foreign to the principles of the alliance and especially to the relations of France with Spain; that harmony could never be established while Spain had so great a subject for jealousy; that Congress must see to what danger they would find themselves exposed in the course of time if pressed between the English of Canada and the Spanish, those two powers should unite their resentments; finally, that America presented herself in the political world as formed of thirteen states, limited by strict rules of law, and that nothing could be more dangerous for their honor, their influence, the permanency of their principles and confidence in their good faith; that they considered themselves a commercial republic, that could not even maintain a permanent army; that they already felt how much the extent of their territory rendered it difficult for them to establish an efficient and active administration; and that such an enormous extension of territory would indefinitely augment that inconvenience and tend to make that immense empire fall under its own weight. . . . —*Diplomatic Correspondence, VI, 167-68.*

Livingston writes to Washington concerning the boundary agreement as follows:—

. . . The second [article] describes our boundaries which are as extensive as we could wish. . . . —*Ib. VI, 291.*

QUESTIONS.

1. What sudden change in the spirit of the English people does George III note? (2) How did he feel in

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regard to it? (3) Can you see any change in the relation of the King to his cabinet produced by the change in Parliament and in public opinion? (4) Can you discover from these quotations how George III felt toward the American people?

1. What various positions were taken in regard to the boundaries that the United States should have? (2) Note position of United States as shown (*a*) in Livingston's instructions, (*b*) debates in Congress, (*c*) statements of Gerrard. (3) Note fears of Jay and Adams of intentions of France. (4) What claims did Spain make? (5) Outline the arguments of (*a*) the United States, (*b*) France and French statesmen, (*c*) Spanish statesmen, (*d*) England and her diplomatists. (6) Draw a map to bring out the various proposed boundaries. (7) Give the positions and arguments in regard to the Mississippi boundary line, and its navigation. (8) What boundaries did Franklin suggest? (9) What his line of argument? (10) What relation between France and the United States that made it difficult for the United States to make a treaty of peace with England. (11) What command did Congress lay on our commissioners concerning the making a treaty without the consent of France? (12) What did Adams think about the interpretation of these instructions? (13) Were Franklin and Adams in harmony? (14) What position did Jay take?

1. Were the Americans a unit in regard to demanding the Mississippi as a boundary? (2) Did all the Americans like the French? (3) Can you discover an English party forming? (4) Were the people of the United States content with the boundaries actually obtained? (5) Write a connected history of the "First National Boundaries" of the United States, giving page references for your statements.

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THE NORTHWEST TERRITORY

First territorial cession to the United States by New York, 1781. Georgia yields her claim, 1802. Between dates of these cessions first territorial domain formed. Total area, 404,953.91 square miles. 1780, resolution of congress to make these ceded lands into territories to be admitted later as states. Northwest land ordinance, 1785. Ordinance for Northwest territory 1784, second one 1787.

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CHAPTER III

THE NORTHWEST TERRITORY

THE boundaries of the United States as we have seen were first fixed by the treaty of peace in 1783. The possession of a public domain, or public lands, began almost contemporaneously with our existence as an independent nation. In this number I have attempted to trace the steps which led up to the acquisition of this vast public domain, and to give a few points in regard to its use and its government.

Few measures in American history have been more far reaching in their influence than those connected with the territorial growth of the United States. The principles established in the years from 1780 to 1787 have been the ones followed down to our own day. Nationality was hastened, if not made possible, by the land cessions of the various States. The acquisition of a public domain to be carved into states to be admitted into the union on an equality with the original States have been the basis of our growth from 13 to 45 commonwealths. The provisions for the government of this territory have been followed as each

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territorial acquisition has been made, from the purchase of Louisiana to the annexation of Alaska. It seems impossible to overestimate the importance of the principles established at this time, and it is hoped that the extracts made are so nearly complete that they may be studied in a very satisfactory manner. In no other study of the series has it been possible to come so near to giving all the material needed for the formation of a final judgment. Lastly it is believed that these extracts will throw much light on present problems, if they are to be solved in harmony with the spirit of the "fathers" in the ascendency.

The beginning of the question of the disposition of the unoccupied Western lands:

In June, 1776, Virginia declared in her constitution that "The western and northern extent of Virginia shall in all other respects stand as fixed by the charter of King James the First, in the year one thousand six hundred and nine, and by the public treaty of peace between the courts of Great Britain and France in the year one thousand seven hundred and sixty-three, unless by an act of legislature one or more territories shall hereafter be laid off and governments established west of the Alleghany mountains. . . .

On October 30, 1776, the Maryland Convention passed the following resolution:

"*Resolved, unanimously,* That it is the opinion of this Convention that the very extensive claim of the State of Virginia to the back lands hath no foundation in justice, and that if the same or any like claim is admitted, the freedom of the smaller states and the liberties of America may be thereby greatly endangered; this Convention being firmly persuaded that if the dominion over these lands should be established by the

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blood and treasure of the United States, such lands ought to be considered as a common stock, to be parcelled out at proper times into convenient, free and independent governments. . . . —*Cited by Sato in "History of the Land Question in the United States," pp. 26, J. H. U. Publications.*

The first attempts to pass resolutions by Congress in regard to the management of the Western lands:—

That in order to render the present union and confederacy firm and perpetual, it is essential that the limits of each respective territorial jurisdiction should be ascertained by the articles of confederation; and, therefore it is recommended to the legislatures of every state to lay before Congress a description of the territorial lands of each of their respective states, and a summary of the grants, treaties, and proofs upon which they are claimed or established. [Passed in the negative.]

It was then moved "that the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the South Sea and to dispose of all land beyond the boundary so ascertained, for the benefit of the United States," question put, passed in the negative.

It was then moved "that the United States in Congress assembled, shall have the sole and exclusive right and power to ascertain and fix the western boundary of such states as claim to the Mississippi or South Sea, and lay out the land beyond the boundary, so ascertained, into separate and independent states, from time to time, as the numbers and circumstances of the people thereof may require. [defeated also]. —*Journals of Congress, Vol. II, p. 290. [ed. 1823.]*

Delaware, in February 1779, through its legislature, makes the following declaration of its views:—

Resolved, that this state thinks it necessary, for the

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peace and safety of the States to be included in the Union, that a moderate extent of limits should be assigned for such of those States as claim to the Mississippi or South Sea; and that the United States in Congress assembled, should, and ought to have the power of fixing their western limits.

Resolved, that this State consider themselves justly entitled to a right in common with the other members of the Union, to that extensive tract of country which lies westward of the frontiers of the United States, the property of which was not vested in, or granted to, individuals at the commencement of the present war:—that the same hath been or may be, gained from the King of Great Britain, or the native Indians, by the blood and treasure of all, and ought therefore to be a common estate, to be granted out on terms beneficial to the United States.—*Donaldson, the Public Domain, pp. 60-61.*

May 21, 1779, the delegates of Maryland in Congress laid before that body their instructions in regard to the views of their state concerning the disposition that should be made of the western lands; in part they read:—

. . . Is it possible that those states, who are ambitiously grasping at territories, to which in our judgment they have not the least shadow of exclusive right, will use with greater moderation the increase of wealth and power derived from those territories, when acquired, than what they have displayed in their endeavors to acquire them? We think not; we are convinced the same spirit which hath prompted them to insist on a claim so extravagant, so repugnant to every principle of justice, so incompatible with the general welfare of all the states, will urge them on to add oppression to injustice. If they should not be incited by a superiority of wealth and strength to oppress by open force their less wealthy and less powerful neighbors, yet the depopulation, and consequently the impoverishment of those states, will necessarily follow, which by an unfair construction of the

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confederation may be stripped of a common interest in, and the common benefits to be derived from the western country. Suppose, for instance, Virginia indisputably possessed of the extensive and fertile country to which she has set up a claim, what would be the probable consequences to Maryland of such an undisturbed and undisputed possession? They cannot escape the least discerning.

Virginia, by selling on the most moderate terms a small proportion of the lands in question, would draw into her treasury vast sums of money, and in proportion to the sums arising from such sales, would be enabled to lessen her taxes: lands comparatively cheap and taxes comparatively low, with the lands and taxes of an adjacent state, would quickly drain the state thus disadvantageously circumstanced of its most useful inhabitants, its wealth, and its consequence in the scale of the confederate states would sink of course. A claim so injurious to more than one half, if not to the whole of the United States, ought to be supported by the clearest evidence of the right. Yet what evidences of that right have been produced? what arguments alleged in support either of the evidence or the right; none that we have heard of deserving a serious refutation.

. . . We are convinced policy and justice require that a country unsettled at the commencement of this war, claimed by the British crown, and ceded to it by the treaty of Paris, if wrested from the common enemy by the blood and treasure of the thirteen states, should be considered as a common property, subject to be parcelled out by Congress into free, convenient and independent governments, in such manner, and at such times, as the wisdom of that assembly shall hereafter direct. Thus convinced, we should betray the trust reposed in us by our constituents, were we to authorize you to ratify on their behalf the confederation, unless it be farther explained; we have cooly and dispassionately considered the subject; we have weighed probable inconveniences and hardships against the sacrifice of just and essential rights; and do instruct you not to agree to the confederation, unless an article or articles be added thereto in conformity with our declaration:

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should we succeed in obtaining such article or articles, then you are hereby fully empowered to accede to the confederation.—*Journals of Congress, Vol. III, p. 281-3.*

Virginia passed a law to open a land office in the West to sell their vacant lands, and began action under the law. Congress on Oct. 30, 1779, passed the following resolutions concerning the action of Virginia:

"Whereas it appears to Congress that the opening the land-office in the state of Virginia, for the purpose of locating lands unappropriated at the time independence was declared, has produced such uneasiness, dispute and controversy, and greatly weakened these United States by the emigration of their inhabitants to parts remote from defense against the common enemy; *Resolved*, therefore that it be earnestly recommended to the state of Virginia to re-consider their late act of assembly for opening their land office and that it be recommended to the said state and all other states similarly circumstanced, to forbear settling or issuing warrants for such unappropriated lands, or granting the same during the continuance of the present war." . . .

"Whereas the appropriation of vacant lands by the several states during the continuance of the war, will, in the opinion of Congress, be attended with great mischief; therefore," . . .

Resolved, That it be earnestly recommended to the state of Virginia, to re-consider their late act of assembly for opening their land-office; and that it be recommended to the said state, and all other states similarly circumstanced, to forbear settling or issuing warrants for unappropriated lands, or granting the same during the continuance of the present war.—*Journals of Congress, III, pp. 384-85.*

The legislature of Virginia made the following answer to the protest of Maryland and resolution of Congress:

The general assembly of Virginia, ever attentive to

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the recommendations of Congress, and desirous to give the great council of the United States every satisfaction in their power, consistent with the rights and constitution of their own commonwealth, have enacted a law to prevent present settlements on the northwest side of the Ohio river, and will on all occasions endeavor to manifest their attachment to the common interest of America, and their earnest wishes to promote that mutual confidence and harmony between the different states so essential to their true interest and safety.

Strongly impressed with these sentiments, the general assembly of Virginia cannot avoid expressing their surprise and concern, upon the information that Congress had received and countenanced petitions from certain persons stiling themselves the Vandalia and Indiana Company's, asserting claims to lands in defiance of the civil authority, jurisdiction and laws of this commonwealth, and offering to erect a separate government within the territory thereof. Should Congress assume a jurisdiction, and arrogate to themselves a right of adjudication, not only unwarranted by, but expressly contrary to the fundamental principles of the federation; superseding or controuling the internal policy, civil regulations, and municipal laws of this or any other state, it would be a violation of public faith, introduce a most dangerous precedent which might hereafter be urged to deprive of territory or subvert the sovereignty and government of any one or more of the United States, and establish in Congress a power which in process of time must degenerate into an intolerable despotism. . . .

Congress have lately described and ascertained the boundaries of these United States, as an ultimatum in their terms of peace. The United States hold no territory but in right of some one individual state in the Union; the territory of each state for time immemorial, hath been fixed and determined by their respective charters, there being no other rule or criterion to judge by; should these in any instance (when there is no disputed territory between particular states) be abridged without the consent of the States effected by it, general confusion must ensue; each state would be subjected in

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its turn to the encroachments of the others, and a field opened for future wars and bloodshed; nor can any arguments be fairly urged to prove that any particular tract of country, within the limits claimed by congress on behalf of the United States, is not part of the chartered territory of some one of them, but must militate with equal force against the right of the United States, in general; and tend to prove such tract of country (if northwest of the Ohio river) part of the British province of Canada.

When Virginia acceded to the articles of Confederation, her rights of sovereignty and jurisdiction within her own territory were reserved and secured to her, and cannot now be infringed or altered without her consent. She could have no latent views of extending that territory; because it had long before been expressly and clearly defined in the act which formed her new government.

The general assembly of Virginia have heretofore offered Congress to furnish lands out of their territory on the northwest side of the Ohio river, without purchase money, to the troops on continental establishment of such of the confederated states as had not unappropriated lands for that purpose, in conjunction with the other states holding unappropriated lands, and in such proportion as should be adjusted and settled by Congress; which offer when accepted they will most cheerfully make good to the same extent, with the provision made by law for their own troops, if Congress shall think fit to allow the like quantities of land to the other troops on continental establishment. But altho' the general assembly of Virginia would make great sacrifices to the common interest of America (as they have already done on the subject of representation) and will be ready to listen to any just and reasonable propositions for removing the ostensible causes of delay to the complete ratification of the confederation, they find themselves impelled by the duties which they owe to their constituents. to their posterity, to their country and to the United States in general, to remonstrate and protest; and they do hereby, in the name and on behalf of the Commonwealth of Virginia, expressly protest

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against any jurisdiction or right of adjudication in Congress, upon the petitions of the Vandalia or Indiana Company's, or on any other matter or thing subversive of the internal policy, civil government, or sovereignty of this or any other of the United American States, or unwarranted by the articles of the confederation.—*Hening, Statutes at Large of Virginia, Vol. X, pp. 557-57.*

The New York legislature passed the following resolution, March 7, 1780, and carried it into execution, March 1, 1781:

Whereas nothing under Divine Providence can more effectually contribute to the tranquility and safety of the United States of America than federal alliance, on such liberal principles as will give satisfaction to its respective members: And whereas the Articles of Confederation and perpetual Union recommended by the honorable the Congress of the United States of America have not proved acceptable to all the States, it having been conceived that a portion of the waste and uncultivated territory within the limits or claims of certain States ought to be appropriated as a common fund for the expenses of the war: And the people of the State of New York being on all occasions disposed to manifest their regard for their sister States, and more especially to accelerate the federal alliance, by removing, as far as it depends upon them, the before-mentioned impediment to its final accomplishment:

Be it therefore enacted by the people of the State of New York, represented in senate and assembly, and it is hereby enacted by the authority of the same, That it shall and may be lawful to and for the delegates of this State in the honorable Congress of the United States of America . . . to limit and restrict the boundaries of this State, in the western parts thereof, by such line or lines, and in such manner and form, as they shall judge to be expedient. . . .

And be it further enacted by the authority aforesaid. That all lands to be ceded and relinquished by virtue of this act . . . shall be and inure for the use and benefit of such of the United States as shall become

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members of the federal alliance of the said States, and for no other use or purpose whatever.—*Donaldson, Public Domain, p. 63.*

Congress replied to the Maryland resolutions, September 6, 1780:

That having duly considered the several matters to them submitted, they conceive it unnecessary to examine into the merits or policy of the instructions or declaration of the general assembly of Maryland, or of the remonstrance of the general assembly of Virginia, as they involve questions, a discussion of which was declined on mature consideration, when the articles of confederation were debated; nor, in the opinion of the committee, can such questions be now revived with any prospect of conciliation; that it appears more advisable to press upon those states which can remove the embarrassments respecting the western country, a liberal surrender of a portion of their territorial claims, since they cannot be preserved entire without endangering the stability of the general confederacy; to remind them how indispensably necessary it is to establish the federal union on a fixed and permanent basis, and on principles acceptable to all its respective members; how essential to public credit and confidence, to the support of our army, to the vigour of our councils and success of our measures, to our tranquility at home, our reputation abroad, to our very existence as a free, sovereign and independent people; that they are fully persuaded the wisdom of the respective legislatures will lead them to a full and impartial consideration of a subject so interesting to the United States, and so necessary to the happy establishment of the federal union; that they are confirmed in these expectations by a review of the beforementioned act of the legislature of New York, submitted to their consideration; that this act is expressly calculated to accelerate the federal alliance, by removing, as far as depends on that state, the impediment arising from the western country, and for that purpose to yield up a portion of territorial claim for the general benefit; Whereupon, . . .
Journals of Congress, III, pp. 516–17.

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Maryland acts: Resolutions of February 12, 1781:

"Whereas it hath been said that the common enemy is encouraged by this state not acceding to the confederation, to hope that the union of the sister states may be dissolved; and therefore prosecutes the war in expectation of an event so disgraceful to America; and our friends and illustrious ally are impressed with an idea that the common cause would be promoted by our formally acceding to the confederation; this general assemby, conscious that this state hath, from the commencement of the war, strenuously exerted herself in the common cause, and fully satisfied that if no formal confederation was to take place, it is the fixed determination of this state to continue her exertions to the utmost, agreeable to the faith pledged in the union; from an earnest desire to conciliate the affection of the sister states; to convince all the world of our unalterable resolution to support the independence of the United States, and the alliance with his most Christian majesty, and to destroy forever any apprehension of our friends, or hope in our enemies, of this state being again united to Great Britain.

"Be it enacted by the general assembly of Maryland, that the delegates of this state in Congress, or any two or three of them, shall be and are hereby, empowered and required, on behalf of this state, to subscribe the articles of confederation and perpetual union between the states of New Hampshire, [Names of other states.] . . . And it is hereby declared, that, by acceding to the said confederation, this state doth not relinquish, or intend to relinquish, any right or interest she hath, with the other united or confederated states, to the back country; but claims the same as fully as was done by the legislature of this state, in their declaration, which stands entered on the journals of Congress; this state relying on the justice of the several states hereafter, as to the said claim made by this state.—*Journals of Congress, Vol. III, pp. 576-77.*

Resolution of Congress, October 10, 1780:

"Resolved, That the unappropriated lands that may

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be ceded or relinquished to the United States, by any particular state, pursuant to the recommendation of Congress of the 6th day of September last, shall be disposed of for the common benefit of the United States, and be settled and formed into distinct republican States, which shall become members of the Federal Union, and have the same rights and sovereignty, freedom and independence as the other states; that each state which shall be so formed shall contain a suitable extent of territory, not less than one hundred nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit; that the necessary and reasonable expenses which any particular State shall have incurred since the commencement of the present war, in subduing any British posts, or in maintaining forts or garrisons within and for the defense, or in acquiring any part of the territory that may be ceded or relinquished to the United States, shall be reimbursed.

"That the said lands shall be granted or settled at such times, and under such regulations, as shall hereafter be agreed on by the United States, in Congress assembled, or any nine or more of them.—*Donaldson, p. 64.*

New York Cession, March 1, 1781.

. . . And we do, by these presents, in the name of the people and for and on behalf of the State of New York, and by virtue of the power and trust committed to us by the said act and commission, cede, transfer and forever relinquish to, and for the only use and benefit of such of the States as are or shall become parties to the Articles of Confederation, all the right, title, interest, jurisdiction and claim, of the said state of New York, to all lands and territories to the northward and westward of the boundaries, to which the said state is in manner aforesaid limited and restricted, and to be granted, disposed of and appropriated in such manner only as the Congress of the United States of Confederated States shall order and direct.

In testimony whereof, we have hereunto subscribed our names, and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand

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seven hundred and eighty-one, and of our Independence the fifth. . . . *Donaldson, p, 67.*

Virginia cession, March 1, 1784.

Whereas the general assembly of Virginia, at their session, commencing on the 20th day of October, 1783, passed an act to authorize their delegates in Congress to convey to the United States in Congress assembled, all the right of that Commonwealth to the territory northwestward of the river Ohio: and whereas the delegates of the said Commonwealth have presented to Congress the form of a deed proposed to be executed pursuant to the said act, in the words following:

"To all who shall see these presents, we, Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, the underwritten delegates for the Commonwealth of Virginia, in the Congress of the United States of America, send greeting:

"Whereas the general assembly of the Commonwealth of Virginia, at their session begun on the 20th day of October, 1783, passed an act entitled "An act to authorize the delegates of this state in Congress, to convey to the United States in Congress assembled, all the right of this Commonwealth to the territory north westward of the river Ohio, in these words following, to wit:

"Whereas, the Congress of the United States did by their act of the sixth day of September, in the year one thousand seven hundred and eighty, recommend to the several states in the Union, having claims to waste and unappropriated lands in the western country, a liberal cession to the United States, of a portion of their respective claims, for the common benefit of the Union: and whereas this Commonwealth did, on the second day of January, in the year one thousand seven hundred and eighty-one, yield to the Congress of the United States, for the benefit of the States, all right, title and claim, which the said Commonwealth had to the territory northwest of the river Ohio, subject to the conditions annexed to the said act of cession.

"And, whereas the United States in Congress assembled have, by their act of the 13th of September last,

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stipulated the terms on which they agree to accept the cession of this state, should the legislature approve thereof, which terms, although they do not come fully up to the propositions of this commonwealth, are conceived, on the whole, to approach so nearly to them, as to induce this state to accept thereof, in full confidence, that Congress will, in justice to this state, for the liberal cession she has made, earnestly press upon the other states claiming large tracts of waste and uncultivated territory, the propriety of making cessions equally liberal, for the common benefit and support of Union:

"*Be it enacted by the general assembly*, That it shall and may be lawful for the delegates of this State to the Congress of the United States, or such of them as shall be assembled in Congress, and the said delegates, or such of them so assembled, are hereby fully authorized and empowered, for and on behalf of this State, by proper deeds or instruments in writing, under their hands and seals, to convey, transfer, assign, and make over, unto the United States in Congress assembled, for the benefit of the said States, all right, title and claim, as well of soil as jurisdiction, which this Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, subject to the terms and conditions contained in the before-recited act of Congress of the thirteenth day of September last; that is to say, upon condition that the territory so ceded shall be laid out and formed into States, containing a suitable extent of territory, not less than one hundred, nor more than one hundred and fifty miles square, or as near thereto as circumstances will admit: and that the States so formed shall be distinct republican states, and admitted members of the federal Union; having the same rights of sovereignty, freedom, and independence, as the other States. . . .

"Now, therefore, know ye, that we, the said Thomas Jefferson, Samuel Hardy, Arthur Lee, and James Monroe, by virtue of the power and authority committed to us by the act of the general assembly of Virginia before recited and in the name and for and on behalf

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of the said Commonwealth, do, by these presents, convey, transfer, assign, and make over, unto the United States, in Congress assembled, for the benefit of the said states, Virginia inclusive, all right, title and claim, as well of soil as jurisdiction, which the said Commonwealth hath to the territory or tract of country within the limits of the Virginia charter, situate, lying, and being, to the northwest of the river Ohio, to and for the uses and purposes and on the conditions of the said recited act. In testimony whereof, we have hereunto subscribed our names and affixed our seals, in Congress, the first day of March, in the year of our Lord one thousand seven hundred and eighty-four, and of the Independence of the United States the eighth.—*Donaldson, pp. 68–69.*

Later action by Virginia: Dec. 30, 1788:—

"Whereas, the United States, in Congress assembled, did, on the seventh day of July, in the year of our Lord one thousand seven hundred and eighty-six, state certain reasons shewing that a division of the territory which hath been ceded to the said United States, by this Commonwealth, into States, in conformity to the terms of cession, should the same be adhered to, would be attended with many inconveniences, and did recommend a revision of the act of cession, so far as to empower Congress to make such a division of the said territory into distinct and republican states, not more than five or less than three in number, as the situation of that country and future circumstances might require. And the said United States, in Congress assembled, have, in an ordinance for the government of the territory northwest of the river Ohio, passed on the thirteenth day of July, one thousand seven hundred and eighty-seven, declared the following as one of the articles of compact between the original states and the people and States in the said territory, viz:

"Article 5. There shall be formed in the said territory not less than three, nor more than five States: - . .

Be it therefore enacted by the general assembly, That the afore-recited article of compact between the original States and the people and states in the territory

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northwest of Ohio River be, and the same is hereby ratified and confirmed, anything in the contrary in the deed of cession of the said territory by this Commonwealth to the United States notwithstanding.—*Donaldson, p. 70.*

Cession by Massachusetts: April 19, 1785:—

"Whereas the general court of Massachusetts, on the thirteenth day of November, in the year of our Lord one thousand seven hundred and eighty-four, passed an act, entitled "An act empowering the delegates of this Commonwealth in the United States in Congress Assembled to relinquish to the United States certain lands, the property of this Commonwealth," in the words following: "Whereas several of the states in the Union have at present no interest in the great and extensive tract of uncultivated country, lying in the westerly part of the United States; and it may be reasonable that the states above mentioned should be interested in the aforesaid country: Be it enacted by the senate and house of representatives in general court assembled, and by the authority of the same, That the delegates of this Commonwealth in the United States in Congress assembled, or any three of the said delegates, be, and they hereby are, authorized and empowered, for and in behalf of this Commonwealth, to cede or relinquish, by authentic conveyance or conveyances, to the United States, to be disposed of for the common benefit of the same, agreeably to a resolve of Congress of October the tenth, one thousand seven hundred and eighty, such part of that tract of land, belonging to this Commonwealth, which lies between the river Hudson and Mississippi, as they may think proper, and to make the said cession in such manner, and on such conditions as shall appear to them to be most suitable." . . . —*Donaldson, p. 71.*

Connecticut cedes her claim, Sept. 13, 1786:—

To all who shall see these presents, we, William Samuel Johnson and Jonathan Sturges, the underwritten delegates for the State of Connecticut in the Congress of the United States, send greeting:

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Whereas the general assembly of the State of Connecticut, on the second Thursday of May, in the year of our Lord one thousand seven hundred and eighty-six passed an act in the following words, viz: "Be it enacted by the governor, council, and representatives, in general court assembled, and by the authority of the same, That the delegates of this State, or any two of them, who shall be attending the Congress of the United States, be and they are hereby directed, authorized and fully empowered, in the name and behalf of this state, to make, execute and deliver, under their hands and seals, an ample deed of release and cession of all the right, title, interest, jurisdiction, and claim, of the State of Connecticut, to certain western lands, beginning at the completion of the forty-first degree of north latitude, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by said Commonwealth, and from thence by a line drawn north, parallel to, and one hundred and twenty miles west of the said west line of Pennsylvania, and to continue north until it comes to forty-two degrees and two minutes north latitude. Whereby all the right, title, interest, jurisdiction and claim, of the State of Connecticut, to the lines lying west of said line to be drawn as aforementioned, one hundred and twenty miles west of the western boundary line of the Commonwealth of Pennsylvania, as now claimed by said Commonwealth, shall be included, released and ceded to the United States in Congress assembled, for the common use and benefit of the said states, Connecticut inclusive." Now, therefore, know ye that we, the said William Samuel Johnson and Jonathan Sturges, by virtue of the power and authority to us committed by the said act of the general assembly of Connecticut, before recited, in the name and on behalf of the said State of Connecticut, do, by these presents, assign, transfer, quit claim, cede, and convey to the United States of America, for their benefit, Connecticut inclusive, all the right, title, interest, jurisdiction, and claim, which the said state of Connecticut hath in and to the before mentioned and described territory or tract of country, as the same is

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bounded and described in the said act of assembly, for the use in the said recited act of assembly declared. —*Donaldson, pp. 72-73.*

South Carolina takes similar action, 1787.

North Carolina joins with the other states, 1790:

"Whereas the general assembly of the State of North Carolina, on the (22nd) day of December, in the year of our Lord one thousand seven hundred and eighty-nine, passed an act, entitled, "An act for the purpose of ceding to the United States of America certain western lands therein described," in the words following, to-wit;

"Whereas, the United States, in Congress assembled, have repeatedly and earnestly recommended to the respective States in the Union, claiming or owning vacant western territory, to make cessions of part of the same, as a further means, as well of hastening the extinguishment of the debts, as of establishing the harmony of the United States; and the inhabitants of the said western territory being also desirous that such cession should be made, in order to obtain a more ample protection than they have heretofore received: Now this state, being ever desirous of doing ample justice to the public creditors, as well as the establishing the harmony of the United States, and complying with the reasonable desires of her citizens. . . [Terms of cession follow.]

Georgia and the United States enter into an agreement concerning the western lands of the state:

Articles of agreement and cession, entered into on the twenty-fourth day of April, one thousand eight hundred and two, between the commissioners appointed on the part of the United States, by virtue of an act entitled "An act for an amicable settlement of limits within the state of Georgia, and authorizing the establishment of a government in the Mississippi Territory," and of the act supplemental to the last-mentioned act on the one part; and the commissioners appointed on

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the part of the State of Georgia, by virtue of an act entitled "An act to carry the twenty-third section of the first article of the constitution into effect," and of the act to amend the last mentioned act, on the other part,

ARTICLE 1. The State of Georgia cedes to the United States all the right, title, and claim, which the said State has to the jurisdiction and soil of the lands situated within the boundaries of the United States, south of the State of Tennessee, and west of a line beginning on the western bank of the Chatahouchee River, where the same crosses the boundary line between the United States and Spain; running thence up the said river Chatahouchee, and along the western bank thereof to the great bend thereof, next above the place where a certain creek or river, called "Uchee" (being the first considerable stream on the western side, above the Cussetas and Coweta towns), empties into the said Chatahouchee River; thence in a direct line to Nickajack on the Tennessee River; thence crossing the said last mentioned river, and thence running up the said Tennessee River, and along the western bank thereof, to the southern boundary line of the State of Tennessee; upon the following express conditions, and subject thereto, that is to say: . . . [Here follow five conditons.]

Fifthly—That the territory thus ceded shall form a state, and be admitted as such into the Union, as soon as it shall contain sixty thousand free inhabitants, or at an earlier period if Congress shall think it expedient, on the same conditions and restrictions, with the same privileges, and in the same manner, as is provided in the ordinance of Congress of the thirteenth day of July, one thousand seven hundred and eighty-seven, for the government of the western territory of the United States, which ordinance shall, in all its parts, extend to the territory contained in the present act of cession, that article only excepted which forbids slavery. . . . —*Donaldsen, pp. 80–81.*

The more important clauses of the Ordinance of 1787 for the government of the North-west Territory follow:

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It is hereby ordained and declared, by the authority aforesaid, That the following articles shall be considered as articles of compact between the original states and the people and states in the said territory, and forever remain unalterable, unless by common consent, to-wit:

ARTICLE 1. No person, demeaning himself in a peaceable and orderly manner, shall ever be molested on account of his mode of worship or religious sentiments, in the said territory.

ART. 2. The inhabitants of the said territory shall always be entitled to the benefits of the writ of habeas corpus, and of the trial by jury; of a proportionate representation of the people in the legislature, and of judicial proceedings according to the course of the common law. All persons shall be bailable, unless for capital offenses, where the proof shall be evident, or the presumption great. All fines shall be moderate; and no cruel or unusual punishment shall be inflicted. No man shall be deprived of his liberty or property, but by the judgment of his peers, or the law of the land, and should the public exigencies make it necessary, for the common preservation, to take any person's property, or to demand his particular services, full compensation shall be made for the same. And, in the just preservation of rights and property, it is understood and declared, that no law ought ever to be made, or have force in the said territory, that shall, in any manner whatever, interfere with, or effect, private contracts or engagements, bona fide, and without fraud, previously formed.

ART. 3. Religion, morality, and knowledge, being necessary to good government and the happiness of mankind, schools and the means of education shall forever be encouraged. The utmost good faith shall always be observed toward the Indians; their lands and property shall never be taken from them without their consent; and in their property, rights and liberty, they never shall be invaded or disturbed, unless in just and lawful wars authorized by Congress; but laws founded in justice and humanity shall, from time to time, be made, for preventing wrongs being done to them, and for preserving peace and friendship with them.

ART. 4. The said territory, and the States which may

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be formed therein, shall forever remain a part of this confederacy of the United States of America, subject to the Articles of Confederation, and to such alterations therein as shall be constitutionally made; and to all the acts and ordinances of the United States in Congress assembled, conformable thereto. The inhabitants and settlers in the said territory shall be subject to pay a part of the federal debts, contracted or to be contracted, and a proportional part of the expenses of Government, to be apportioned on them by Congress, according to the same common rule and measure by which apportionments thereof shall be made on the other States; and the taxes for paying their proportion, shall be laid and levied by the authority and direction of the legislatures of the district or districts, or new States, as in the original States, within the time agreed upon by the United States in Congress assembled. The legislatures of those districts, or new States, shall never interfere with the primary disposal of the soil by the United States in Congress assembled, nor with any regulations Congress may find necessary, for securing the title in such soil, to the bona-fide purchasers. No tax shall be imposed on lands the property of the United States; and in no case shall non-resident proprietors be taxed higher than residents. The navigable waters leading into the Mississippi and St. Lawrence, and the carrying places between the same, shall be common highways, and forever free, as well to the inhabitants of the said territory, as to the citizens of the United States, and those of any other States that may be admitted into the confederacy, without any tax, impost, or duty therefor.

ART. 5. There shall be formed in the said territory, not less than three, nor more than five States; and the boundaries of the States, as soon as Virginia shall alter her act of cession, and consent to same, shall become fixed and established as follows, to-wit: the western State in the said territory, shall be bounded by the Mississippi,, the Ohio, and Wabash rivers; a direct line drawn from the Wabash and Post Vincents, due north, to the territorial line between the United States and Canada; and by the said territorial line to the Lake of the Woods and Mississippi. The middle States shall be

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bounded by the said direct line, the Wabash, from Post Vincents to the Ohio, by the Ohio, by a direct line drawn due north from the mouth of the Great Miami to the said territorial line, and by the said territorial line. The eastern State shall be bounded by the last-mentioned direct line, the Ohio, Pennsylvania, and the said territorial line; Provided, however, and it is further understood and declared, that the boundaries of these three States, shall be subject so far to be altered, that, if Congress shall hereafter find it expedient, they shall have authority to form one or two States in that part of the said territory which lies north of an east and west line drawn through the southerly bend or extreme of Lake Michigan. And whenever any of the said States shall have sixty thousand free inhabitants therein, such State shall be admitted, by its delegates, into the Congress of the United States, on an equal footing with the original States, in all respect whatever; and shall be at liberty to form a permanent constitution and State government: Provided, the constitution and government, so to be formed, shall be republican, and in conformity to the principles contained in these articles; and so far as it can be consistent with the general interest of the confederacy, such admission shall be allowed at an earlier period, and when there may be a less number of free inhabitants in the State than sixty thousand.

ART. 6. There shall be neither slavery nor involuntary servitude in the said territory, otherwise than in the punishment of crimes, whereof the party shall have been duly convicted: Provided, always, That any person escaping into the same, from whom labor or service is lawfully claimed in any one of the original States, such fugitive may be lawfully reclaimed, and conveyed to the person claiming his or her labor or service as aforesaid.—*Donaldson, pp. 155-56.*

QUESTIONS.

1. What territorial claim did Virginia make? 2. Find out in your history what territory would be included? 3. Where do you find the first suggestion of dividing western territory and admitting the parts into the Union? 4. What State first objected to Virginia's claim? 5. What was meant by "back lands?" 6. Why did Maryland object to Virginia's claim? 7. How did Maryland

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propose to dispose of these western lands? 8. Was the majority of Congress at first with Virginia or Maryland? 9. Can you find out why the first propositions to let Congress control these western lands were defeated? 10. What important differences in the then defeated resolutions? 11. Why did Delaware take the same general ground as Maryland? 12. Outline the arguments of Maryland, 1779? 13. What threat did Maryland make to force Virginia and other large States to action? 14. Why did Virginia's opening her land office create such an excitement? 15. How did Virginia answer Maryland and Congress? 16. Which had the better of the argument? 17. What did Virginia offer to do? 18. Was it enough?

1. Make a table to show the date of cession by each State of its claim to western lands. 2. What reason did they give for making their cessions? 3. What important effects on the United States grew out of these cessions? 4. Bring together all the reasons you can find for making the cessions. 5. Was there any difference of opinion in regard to the use that should be made of these ceded lands? 6. What territory was first ceded? 7. Find ont from your histories whether the claims of the various States overlapped. 8. If you find they did, do you see any important result growing from the cession? 9. What changes did Virginia make in the terms of her cession? 10. What was the last territory acquired from any State? 11. How did it differ in method from the other acquisitions?

1. Does this history throw any light on the Philippine situation? 2. For what use was the territory to be put? 3. What rights were the people to have? 4. Do you find any suggestion of holding the territory as subject territory?

1. What important principles are found in the law governing this territory, in the Ordinance of 1787? 2. Can you find any clause in the constitution of Nebraska which you can trace to this ordinance? 3. How many states were to be found? (*a*) at first, (*b*) later? 4. Trace on a map the boundaries of the states as they were to be by this ordinance. 5. How do they vary as they now are? 6. What change from Art. 6 do you find in the Georgia cession? 7. What does the change mean? 8. Write a history of the Territory of the United States from 1776 to 1803.

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ACQUISITION OF LOUISIANA

Louisiana purchase, 1803. Area, 883,072 square miles. Southeastern boundary in dispute, settled 1819. Southwestern boundary in doubt, settled 1819. Northern boundary uncertain, settled 1818. Did not include the Oregon country. Total cost, $27,267,621.98. Provision for its admission as states into the Union.

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CHAPTER IV

ACQUISITION OF LOUISIANA

WE traced, in our last study, the beginnings of the public domain of the United States. We noticed that the various states which had claims to the Western or unoccupied lands, one after another, ceded their claims until finally a territorial domain was formed whose area exceeded 400,000 square miles ready to be formed into new States as the people moved to the west. In this number we turn to expansion proper, and find that in the Louisiana purchase the area of the Union was more than doubled. The importance of this acquisition from every point of view can scarcely be exaggerated. The industrial possibilities were extended to a degree that we can scarcely yet realize; the area over which freedom and democracy might expand was increased a hundred fold; the probabilities that the United States would develop into a peace-loving nation, standing for industrialism rather than militarism was greatly increased, the idea that the United States was to be the home for the oppressed of all nations was greatly strengthened, if not created by this purchase. New problems were also started, and many old ones made more important. Slavery became a more complex question, in part at least, be-

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cause of this acquisition. Again it gave to the Union such a vast territory that it opened up the Pacific to its view and made it possible for the Nation to become the great world power, both in influence and in strength that it is to-day. And lastly we may say that the present problems, those confronting the American people at the close of the century, may be traced in their beginnings to the study now before us.

The matter is so very voluminous that only a fraction of it has been incorporated into this study.

1. Extract from the treaty of cession:

The President of the United States of America, and the First Consul of the French Republic, in the name of the French people, desiring to remove all source of misunderstanding . . . relative to the rights claimed by the United States, in virtue of the treaty concluded at Madrid, the 27th of October, 1795, between his Catholic majesty and the said United States, and willing to strengthen the union and friendship which at the time of the said convention was happily re-established between the two nations, have respectively named their Plenipotentiaries, . . . who, after having respectively exchanged their full powers, have agreed to the following articles;—

ARTICLE I.

Whereas by the article the third of the treaty concluded at St. Idelfonso, the 9th Vendémiaire, an 9 (1st. October, 1800) between the First Consul of the French Republic and His Catholic Majesty, it was agreed as follows; "His Catholic Majesty promises and engages on his part, to cede to the French Republic . . . the colony or province of Louisiana, with the same extent that it now has in the hands of Spain, and that it had when France possessed it, and such as it should be after the treaties subsequently entered into between Spain and other States." And whereas, in pursuance of the

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treaty and particularly of the third article, the French Republic has an incontestible title to the domain and to the possession of thesaid territory; The First Consul of the French Republic desiring to give to the United States, a strong proof of his friendship, doth hereby cede to the United States, in the name of the French Republic, forever and in full sovereignty, the said territory, with all its rights and appurtenances, as fully and in the same manner as they have been acquired by the French Republic, in virtue of the above-mentioned treaty, concluded with his Catholic Majesty.

ARTICLE III.

The inhabitants of the ceded territory shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution, to the enjoyment of all the rights, advantages, and immunities of citizens of the United States; and in the meantime they shall be maintained and protected in the free enjoyment of their liberty, property, and the religion which they profess. * * *

Done at Paris the tenth day of Floréal, in the eleventh year of the French Republic, and the 30th of April, 1803.

ROBT. R. LIVINGSTON (L. S.)
JAS. MONROE (L. S.)
E. BARBÉ MARBOIS (L. S.)

Cited in MacDonald, Select Documents Illustrative of American History, pp. 161–165.

James Madison, Secretary of State to Mr. Pinckney, the American Minister at Madrid, June 9, 1801:—

. . . On different occasions, since the commencement of the French Revolution, opinions and reports have prevailed, that some part of the Spanish possessions, including New Orleans and the mouth of the Mississippi, had been or was to be transferred to France. Of late, information has been received through several channels, making it probable that some arrangement for that purpose has been concerted. Neither the extent of the cession, however, nor the consideration on which it is made, is yet reduced to certainty and precision. The whole subject will deserve and engage your early and

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vigilant inquiries, and may require a very delicate and circumspect management.—*Gayarre, History of Louisiana, p. 450.*

Feeling of the Western people in regard to the Mississippi river:

. . . "The Mississippi," said the Western people, "is ours by the law of nature; it belongs to us by our numbers, and by the labor which we have bestowed upon those spots which, before our arrival, were desert and barren. Our innumerable rivers swell it, and flow with it into the Gulf of Mexico. Its mouth is the only issue which nature has given to our waters, and we wish to use it for our vessels. No power in the world shall deprive us of this right. We do not prevent the Spaniards and the French from ascending the river to our towns and villages. We wish in turn to descend it without any interruption to its mouth, to ascend it again, and exercise our privileges of trading on it and navigating it at our pleasure. If our most entire liberty in this matter is disputed, nothing shall prevent our taking possession of the capital, and, when we are once masters of it, we shall know how to maintain ourselves there. If Congress refuses us effectual protection, if it forsakes us, we will adopt the measures which our safety requires, even if they endanger the peace of the Union and our connection with the other States. No protection, no allegiance.—*Gayarre, p. 457.*

From Mr. Madison to Mr. Livingston, May, 1802:

The cession of Louisiana to France becomes daily more and more a source of painful apprehension. . . .

. . . A mere *neighborhood* could not be friendly to the harmony which both countries have so much an interest in cherishing; but if a *possession of the mouth of the Mississippi* is to be added to the other causes of discord, the worst events are to be apprehended. You will consequently spare no efforts, that will consist with prudence and dignity, to lead the councils of France to proper views of this subject, and to an abandonment of her present purpose. You will also pursue, by prudent means, the inquiry into the extent of the cession—par

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ticularly whether it includes the Floridas as well as New Orleans—and endeavor to ascertain the price at which these, if included in the cession, would be yielded to the United States. I cannot, in the present state of things, be more particular on this head than to observe that, in every view, it would be a most precious acquisition, and that, as far as the terms could be satisfied by charging on the acquisition itself the restitutions and other debts to American citizens, great liberality would doubtless be indulged by this government.—*Gayarre, pp. 462-63.*

Mr. Livingston to Mr. Madison, Aug. 10, 1802:

. . . I have had several conferences on the subject of Louisiana, but can get nothing more from them than I have already communicated. I have thought it best, by conversation and by writing, to pave the way, prior to my application, till I know better to what object to point. For this purpose, I have written the enclosed essay, which I have translated, and of which I have struck off twenty copies; I have placed some of them in such hands as I think will best serve our purposes. Talleyrand has promised me to give it an attentive perusal; after which, when I find how it works, I will come forward with some proposition. I am very much at a loss, however, as to what terms you would consider it allowable to offer, if they can be brought to a sale of the Floridas, either with or without New Orleans; which last place will be of little consequence, if we possess the Floridas, because a much better passage may be formed on the east side of the river. I may, perhaps, carry my estimate of them too high; but, when I consider, first, the expense it will save to us in guards and garrisons, the risk of war, the value of duties, and next what may be raised by sale of lands, I should think them a cheap purchase.—*Gayarre, pp. 467-68.*

Mr. Livingston to President Jefferson, Oct. 28, 1802:

He asked me whether we should prefer the Floridas to Louisiana? I told him that there was no comparison in their value, but that we had no wish to extend our

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boundary across the Mississippi, or give color to the doubts that had been entertained of the moderation of our views; that all we sought was security, and not accessions of territory. He replied, that he believed any new cession on the part of Spain would be extremely difficult; that Spain had parted with Trinidad and Louisiana with great reluctance.—*Ibid, p. 470.*

Mr. Madison writes to the American Minister at Madrid concerning the denial, by Morales, of a place of deposit, to the Americans, at the mouth of the Mississippi, in part, as follows:

. . . "but," said Mr. Madison, "from whatever source the measure may have proceeded, the President expects that the Spanish government will neither lose a moment in countermanding it, nor hesitate to repair every damage which may result from it. You are aware of the sensibility of our Western citizens to such an occurrence. This sensibility is justified by the interest they have at stake. *The Mississippi to them is everything. It is the Hudson, the Delaware, the Potomac, and all the navigable rivers of the Atlantic states, formed into oue stream.* The produce exported through that channel, last year, amounted to eight million six hundred and twenty-two thousand six hundred and seventy-two dollars from the districts of Kentucky and Mississippi only, and will probably be fifty per cent. more this year, from the whole Western country. —*Gayarre, p. 473.*

President Jefferson in his message to Congress, Dec. 15, 1802, speaks as follows:—

. . . The cession of the Spanish province of Louisiana to France, which took place in the course of the late war, will, if carried into effect, make a change in the aspect of our foreign relations, which will doubtless have just weight in any deliberations of the Legislature connected with the subject. . . . —*Richardson, Messages and Documents of the Presidents. Vol. I, p.*

Madison to Pinckney, at Madrid, Jan. 10, 1803.

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. . . There is, in fact, but one sentiment throughout the Union with respect to the duty of maintaining our rights of navigation and boundary. The only existing difference relates to the degree of patience to be exercised during the appeal to friendly modes of redress. In this state of things it is to be presumed that the Spanish government will accelerate, by every possible means, its intervention for that purpose; and the President charges you to urge the necessity of so doing with as much amicable decision as you can employ.—*Gayarre, p. 495.*

Livingston writes to Napoleon urging reasons for France to part with at least a portion of Louisiana, Feb. 27, 1803:

. . . "That France," said he, "will never derive any advantage from the colonization of New Orleans and the Floridas, is fairly to be presumed, from their having been possessed for more than a century past, by three different nations. While the other colonies of these nations were increasing rapidly, these have always remained weak and languid, and an expensive burden to the possessors. Even at this moment, with all the advantages New Orleans has derived from foreign capital, and an accession of inhabitants from the United States, which has brought its free population to about seven thousand souls, the whole of the inhabitants east of the Mississippi does not more than double that number; and those, too, are for the most part poor and miserable; and there are physical reasons that must forever render them inadequate to their own support, in the hands of any European nation. These provinces are, however, important to the United States because they contain the mouths of some of their rivers, which must make them the source of continual disputes. The interest that the United States attach, Citizen First Consul, to your friendship, and the alliance of France, is the principal cause of their anxiety to procure your consent to their accession of that country, and to the sacrifices that they are willing to make to attain it. They consider it as the only possible ground of collision between nations whom so many other interests unite. I

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cannot, then, Citizen First Consul, but express my doubt of any advantage to be derived to France from the retaining of that country in its whole extent; and I think I could show that her true interest would lead her to make such cessions out of them to the United States as would at once afford supplies to her islands, without draining the money of France, and rivet the friendship of the United States, by removing all ground of jealousy relative to a country of little value in itself, and which will be perpetually exposed to the attacks of her natural enemy, as well from Canada as by sea. . . . —*Cited in Gayarre, pp. 496-97.*

Instructions to Livingston and Monroe, March 2, 1803:

. . . "The object in view," said he, "is to procure, by just and satisfactory arrangements, a cession to the United States of New Orleans and of West and East Florida, or as much thereof as the actual proprietor can be prevailed on to part with. . . . —*Gayarre, p. 497-98.*

Livingston again writes to Napoleon, March 16, 1803:

. . . Sir, I will venture to say, that, were a fleet to shut up the mouths of the Chesapeake, Delaware, and Hudson, it would create less sensation in the United States than the denial of the right of depot at New Orleans has done, etc. I can never bring myself to believe, that the First Consul will, by deferring for a moment, the recognition of a right that admits of no discussion, break all those ties which bind the United States to France, obliterate the sense of past obligations, change every political relation that has been, and still is, the earnest wish of the United States to preserve, and force them to connect their interests with those of a rival power; and this, too, for an object of no real moment in itself. Louisiana is, and ever must be, from physical causes, a miserable country in the hands of an European power.—*Gayarre, p, 500.*

Livingston writes to Madison, April 11, 1803, concerning the results of his letters to Napoleon:

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"These reasons, with the possibility of war, have had, I trust, the desired effect. M. Talleyrand asked me this day, when pressing the subject, whether we wished to have the whole of Louisiana. I told him, no, that our wishes extended only to New Orleans and the Floridas; that the policy of France should dictate (as I had shown in an official note) to give us the country above the river Arkansas, in order to place a barrier between them and Canada. He said that, if they gave New Orleans, the rest would be of little value; and that he would wish to know "what we would give for the whole." I told him it was a subject I had not thought of, but that I supposed we should not object to twenty millions, provided our citizens were paid. . . . —*Gayarre, p. 502.*

Napoleon discusses with two of his counsellors the whole subject of the disposal of Louisiana:—

. . . I know the full value of Louisiana, and I have been desirous of repairing the fault of the French negotiator who abandoned it in 1763. A few lines of a treaty have restored it to me, and I have scarcely recovered it, when I must expect to lose it. But if it escapes from me, it shall one day cost dearer to those who oblige me to strip myself of it, than to those to whom I wish to deliver it. The English have successively taken from France; Canada, Cape Breton, Newfoundland, Nova Scotia, and the richest portion of Asia. They are engaged in exciting troubles in St. Domingo. They shall not have the Mississippi which they covet. Louisiana is nothing in comparison with their conquests in all parts of the globe, and yet the jealousy they feel at the restoration of this colony to the sovereignty of France, acquaints me with their wish to take possession of it, and it is thus they will begin the war. They have twenty ships of war in the Gulf of Mexico; they sail over those seas as sovereigns, whilst our affairs at St. Domingo have been growing worse every day, since the death of Leclerc. The conquest of Louisiana would be easy, if they only took the trouble to make a descent there. I have not a moment to lose in putting it out of their reach. I know not whether they are not already

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there. It is their usual course, and if I had been in their place, I would not have waited. I wish, if there is still time, to take away from them any idea that they may have of ever possessing that colony. I think of ceding it to the United States. I can scarcely say that I cede it to them, for it is not yet in our possession. If, however, I leave the least time to our enemies, I shall transmit only an empty title to those republicans whose friendship I seek. They only ask of me one town in Louisiana; but I already consider the colony as lost, and it appears to me, that in the hands of this growing power, it will be more useful to the policy and even to the commerce of France, than if I should attempt to keep it.—*Gayarre, p. 512-13.*

One of these counsellors, Barbé-Marbois responded to Napoleon as follows:

"We should not hesitate" said the last Minister (Barbé Marbois) "to make a sacrifice of that which is about slipping away from us. War with England is inevitable. . . .

. . . Louisiana is open to the English from the north by the great lakes, and if, to the south, they show themselves at the mouth of the Mississippi, New Orleans will instantly fall into their hands. Of what consequence is it to the inhabitants whom they are subject to, if their country is not to cease to be a colony? This conquest would be still easier to the Americans; they can reach the Mississippi by several navigable rivers, and to be master of the country it will be sufficient for them to enter it. The population and resources of these two neighbors every day increase, and the other has maritime means sufficient to take possession of everything that can advance her commerce. . . . —*Gayarre, pp. 513, 514.*

Decrés takes the opposite view:—

The other Minister (Decrés) was of a totally opposite opinion: "We are still at peace with England," said he, "the colony has just been ceded to us, it depends on the First Consul to preserve it. It would not be wise in him to abandon, for fear of a doubtful danger, the

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most important establishment that we can form out of France and despoil ourselves of it for no other reason than the possibility of a war; it would be as well, if not better, that it should be taken from us by force of arms. . . .

There can be no marine without colonies; no colonies without a powerful marine. The political system of Europe is only preserved by a skilfully combined resistance of many against one. This is as necessary with respect to the sea as to the land, if it is not intended to submit to the tyranny of a universal sovereignty over commerce and the loss of the immense advantages of a free navigation. To this you will not submit; you will not acknowledge by your resignation that England is the sovereign mistress of the seas, that she is there invulnerable, and that no one can possess colonies except at her good pleasure. It does not become you to fear the Kings of England. . . .

. . . Louisiana can indemnify us for all our losses. There does not exist on the globe a single port, a single city susceptible of becoming as important as New Orleans, and the neighborhood of the American States already makes it one of the most commercial in the world. The Mississippi does not reach there till it has received twenty other rivers, most of which surpass in size the finest rivers of Europe. . . .

Finally, France after her long troubles, requires such a colony for her internal pacification; it will be for our country what, a century ago, were for England the settlements which the emigrants from the three kingdoms have raised to so high a degree of prosperity; it will be the asylum of our religious and political dissenters; it will cure a part of the maladies which the revolution has caused, and be the supreme conciliator of all the parties into which we are divided. You will there find the remedies for which you search with so much solicitude. —*Gayarre, pp. 518, 519, 520-21.*

Napoleon ends the discussion with this outbreak:

Irresolution and deliberation are no longer in season. I renounce Louisiana. It is not only New Orleans that

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I will cede, it is the whole colony without any reservation. I know the price of what I shall abandon, and have sufficiently proved the importance that I attach to this province, since my first diplomatic act with Spain had for its object its recovery. I renounce it with the greatest regret. To attempt obstinately to retain it, would be folly. I direct you to negotiate this affair with the envoys of the United States. Do not even await the arrival of Mr. Monroe; have an interview this very day with Mr. Livingston. But I require a great deal of money for this war, and I would not like to commence it with new contributions. . . . I will be moderate, in consideration of the necessity in which I am, of making a sale. But keep this to yourself. I want fifty millions, and for less than that sum I will not treat; I would rather make a desperate attempt to keep these fine countries. To-morrow, you shall have full power. —*Cited in Gayarre, pp. 511–22. Extracts are from Barbé-Marbois' "History of Louisiana."*

After signing the treaty Mr. Livingston, expressing the satisfaction which they felt, said:

We have lived long, but this is the noblest work of our whole lives. The treaty which we have just signed has not been obtained by art nor dictated by force; equally advantageous to the two contracting parties, it will change vast solitudes into flourishing districts. From this day the United States take their place among the powers of the first rank; the English lose all exclusive influence in the affairs of America.—*Gayarre, p. 525.*

Livingston writes to Madison in regard to the extent of country secured in the Louisiana purchase in part as follows:

I called this morning upon M. Marbois for a further explanation on this subject, and to remind him of his having told me that Mobile made a part of the cession. He told me that he had no precise idea on the subject, but that he knew it to be an historical fact, and on that only he had formed his opinion. I asked him what orders had been given to the prefect who was to take posses-

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sion, or what orders had been given by Spain, as to the boundary, in ceding it? He assured me that he did not know; but that he would make the inquiry and let me know. At four o'clock I called for Mr. Monroe to take him to the Minister of Foreign affairs (Talleyrand); but he was prevented from accompanying me. I asked the minister (Talleyrand) what were the east bounds of the territory ceded to us? He said he did not know; we must take it as they had received it. I asked him how Spain meant to give them possession? He said, according to the words of the treaty. But what did you mean to take? I do not know. Then you mean that we shall construe it in our own way? I can give you no direction; you have made a noble bargain for yourselves, and I suppose you will make the most of it. *Gayarre, pp. 530-31.*

Jefferson writes to Monroe, concerning the special mission to France, Jan. 13, 1803, in these words:

Dear Sir;—I dropped you a line on the 10th informing you of a nomination I had made of you to the Senate, and yesterday I enclosed you their approbation, not then having time to write. The agitation of the public mind on occasion of the late suspension of our right of deposit at N. Orleans is extreme. In the western country it is natural and grounded on honest motives. In the seaports it proceeds from a desire for war which increases the mercantile lottery; in the federalists generally, and especially those of Congress, the object is to force us into war if possible, in order to derange our finances, or if this cannot be done, to attach the western country to them, as their best friends, and thus get again into power. Remonstrances, memorials, etc., are now circulating through the whole of the western country and signing by the body of the people. The measures we have been pursuing being invisible, do not satisfy their minds. Something sensible, therefore, was become necessary; and indeed as our object of purchasing N. Orleans and the Floridas is a measure liable to assume so many shapes, that no instructions could be squared to fit them. it was essential then to send a min-

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ister extraordinary to be joined with the ordinary one, with discretionary powers, first, however, well impressed with all our views and therefore qualified to meet and modify to these every form of proposition which could come from the other party. . . .

. . . All eyes, all hopes, are now fixed on you; and were you to decline, the chagrin would be universal, and would shake under your feet the high ground on which you stand with the public. Indeed, I know nothing which would produce such a shock, for on the event of this mission depends the future destinies of this republic. If we cannot by a purchase of this country insure to ourselves a course of perpetual peace and friendship with all nations, then as war cannot be distant, it behooves us immediately to be preparing for that course, without, however, hastening it, and it may be necessary (on your failure on the continent) to cross the channel.

We shall get entangled in European politics, and figuring more, be much less happy and prosperous. This can only be prevented by a successful issue to your present mission. . . . —*Jefferson's Works* (*Ford Ed.*), *Vol. VIII., pp. 190-91.*

In a letter to Dupont de Nemours, Feb. 1, 1803, Jefferson discusses the questions at issue, and the plans of the day, as follows:

. . . The suspension of the right of deposit at New Orleans, ceded to us by our treaty with Spain, threw our whole country into such a ferment as imminently threatened its peace. This, however, was believed to be the act of the Intendant, unauthorized by his government. But it showed the necessity of making effectual arangements to secure the peace of the two countries against the indiscreet acts of subordinate agents.

. . .

. . . For our circumstances are so imperious as to admit of no delay as to our course; and the use of the Mississippi so indispensable, that we cannot hesitate one moment to hazard our existence for its maintenance. If we fail in this effort to put it beyond the reach of accident, we see the destinies we have to run, and prepare

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at once for them. Not but that we shall still endeavor to go in peace and friendship with our neighbors as long as we can, if our rights of deposit and navigation are respected; but as we forsee the caprices of the local officers, and the abuse of those rights by our boatmen and navigators, which neither government can prevent, will keep up a state of irritation which cannot long be kept inactive, we should be criminally improvident not to take at once eventual measures for strengthening ourselves for the contest. . . .

. . . Whatever power, other than ourselves, holds the country east of the Mississippi becomes our natural enemy. Will such a possession do France as much good, as such an enemy may do her harm? And how long would it be hers, were such an enemy situated at its door, added to G. Britain? I confess, it appears to me as essential for France to keep at peace with us, as it is to us to keep at peace with her; and that, if this cannot be secured without some compromise as to the territory in question, it will be useful for both of us to make some sacrifices to effect the compromise.—*Jefferson's Works, Vol. VIII., pp. 204. 205-6, 207.*

Should the United States seize New Orleans? Jefferson discusses the question in a letter to John Bacon, April 30, 1803:

. . . Although I am not sanguine in obtaining a cession of New Orleans for money, yet I am confidant in the policy of putting off the day of contention for it, till we are stronger in ourselves, and stronger in allies, but especially till we have planted such a population on the Mississippi as will be able to do their own business, without the necessity of marching men from the shores of the Atlantic 1500 or 2000 miles thither, to perish by fatigue and change of climate. . . . —*I bid, p. 229.*

Jefferson proposes a draft of an amendment to the constitution, legalizing the purchase of Louisiana:—

Louisiana, as ceded by France to the U. S. is made a part of the U. S. Its white inhabitants shall be citizens,

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and stand, as to their rights and obligations, on the same footing with other citizens of the U. S. in analogous situations. Save only that as to the portion thereof lying North of an East and West line drawn through the mouth of Arkansas river, no new State shall be established, nor any grants of land made, other than to Indians in exchange for equivalent portions of land occupied by them, until authorized by further subsequent amendment to the Constitution that shall be made for these purposes. Florida also, whenever it may be rightfully obtained, shall become a part of the U. S.; Its white inhabitants shall thereupon be Citizens and shall stand, as to their rights and obligations, on the same footing with other citizens of the U. S. in analogous situations.

He discusses the constitutional question with Gallatin, January, 1803:—

. . . You are right, in my opinion, as to Mr. L's proposition; there is no constitutional difficulty as to the acquisition of territory, and whether, when acquired, it may be taken into the Union by the Constitution as it now stands, will become a question of expediency. I think it will be safer not to permit the enlargement of the Union but by amendment of the Constitution.

With Thomas Payne:—

"Dear Sir;—On the 10th inst. I wrote you on the subject of Louisiana and mentioned the question of a supplement to the constitution on that account. A letter received yesterday renders it prudent to say nothing on that subject, but to do *sub-silentio* what shall be found necessary. That part of my letter therefore be so good as to consider confidential. Accept my friendly salutations and assurances of great esteem and respect."—*Jefferson's Works, VIII pp. 241-45.*

Jefferson discusses the question of the boundary of Louisiana in a letter to John Dickinson, Aug. 9, 1803. These extracts give the main thought:—

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. . . The acquisition of New Orleans would of itself have been a great thing, as it would have ensured to our western brethren the means of exporting their produce: but that of Louisiana is inappreciable, because giving us the sole dominion of the Mississippi, it excludes those bickerings with foreign powers, which we know of a certainty would have put us at war with France immediately: and it secures to us the course of a peaceable nation.

The unquestioned bounds of Louisiana are the Iberville and the Mississippi on the east, the Mexicana, or the highlands east of it, on the west; then from the head of the Mexicana gaining the highlands which include the waters of the Mississippi and following those highlands round the head-springs of the western waters of the Mississippi to its source where we join the English or perhaps to the Lake of the Woods. . . . I should be averse to exchanging any part of this for the Floridas, because it would let Spain into the Mississippi on the principle of natural rights, [a view which] we have always urged and are now urging to [upon] her, that a nation inhabiting the upper part of a stream has a right of innocent passage down that stream to the Ocean: and because the Floridas will fall to us peaceably the first war Spain is engaged in. . . .

. . . Our confederation is certainly confined to the limits established by the revolution. The general government has no powers but such as the constitution has given it; and it has not given it a power of holding foreign territory, and still less of incorporating it into the Union. An amendment of the Constitution seems necessary for this. In the meantime we must ratify and pay our money, as we have treated, for a thing beyond the Constitution, and rely on the nation to sanction an act done for its great good, without its previous authority. . . . —*Jfferson's Works, VIII., pp. 261-62.*

In his message of Oct. 17, 1803, to Congress, Jefferson discusses the whole question in this language:

Previous, however, to this period, we had not been unaware of the danger to which our peace would be

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perpetually exposed while so important a key to the commerce of the western country remained under foreign power. Difficulties, too, were presenting themselves as to the navigation of other streams, which, arising within our territories, pass through those adjacent. Propositions had, therefore, been authorized for obtaining, on fair conditions, the sovereignty of New Orleans, and of other possessions in that quarter interesting to our quiet, to such extent as was deemed practicable; and the provisional appropriation of two millions of dollars, to be applied and accounted for by the president of the United States, intended as part of the price, was considered as conveying the sanction of Congress to the acquisition proposed. The enlightened government of France saw, with just discernment, the importance to both nations of such liberal arrangements as might best and permanently promote the peace, friendship, and interests of both; and the property and sovereignty of all Louisiana, which had been restored to them, have on certain conditions been transferred to the United States by instruments bearing date the 30th of April last. When these shall have received the constitutional sanction of the senate, they will without delay be communicated to the representatives also, for the exercise of their functions, as to those conditions which are within the powers vested by the Constitution in Congress. While the property and sovereignty of the Mississippi and its waters secure an independent outlet for the produce of the western States, and an uncontrolled navigation through their whole course, free from collision with other powers and the dangers to our peace from that source, the fertility of the country, its climate and extent, promise in due season important aids to our treasury, an ample provision for our posterity, and a wide-spread field for the blessings of freedom and equal laws.—*Jefferson's Works, VIII., pp. 268-69.*

The following extracts from the debates in Congress over the Louisiana question show the spirit of the times, and the arguments used.

Ross (Federalist of Penn.) said:

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It was certainly unnecessary to waste the time of that body in stating that we had a solemn explicit treaty with Spain; that this treaty had been wantonly and unprovokedly violated. . . .

To the free navigation of that river we had an undoubted right from nature, and from the position of our Western country. This right, and the right of deposit in the Island of New Orleans, had been solemnly acknowledged and fixed by treaty in 1795. . . .

. . . Why not seize then what is so essential to us as a nation? Why not expel the wrongdoers? wrongdoers by their own confession, to whom by a seizure we are doing no injury. Paper contracts, or treaties, have proved too feeble. Plant yourselves on the river, fortify the banks, invite those who have an interest at stake to defend it; do justice to yourselves when your adversaries deny it; and leave the result to Him who controls the fate of nations.

Why submit to a tardy, uncertain negotiation, as the only means of regaining what you have lost; a negotiation with those who have wronged you; with those who declare they have no right, at the moment they deprive you of yours? When in possession, you will negotiate with more advantage. You will then be in the condition to keep others out. You will be in the actual exercise of jurisdiction over your claims; your people will have the benefit of a lawful commerce. When your determination is known, you will make an easy and an honorable accommodation with any other claimant. .

Suppose that this course be not now pursued. Let me warn gentlemen how they trifle with the feelings, the hopes and the fears of such a body of men as inhabit the western waters. Let every honorable man put the question to himself: how would half a million round him be affected by such a calamity, and no prompt measures taken by the Government to redress it? These men have arms in their hands; the same arms with which they proved victorious over their savage neighbors. They have a daring spirit; they have ample means of subsistence; and they have men disposed to lead them on to revenge their wrongs. Are you certain that they will wait the end of negotiation?

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When they hear that nothing has been done for their immediate relief, they will probably take their resolution and act. Indeed, from all we have heard, there is great reason to believe that they will, or that they may have already taken that resolution.

He then read his resolutions, which are as follows:

"*Resolved*, That the United States have an indisputable right to the free navigation of the river Mississippi, and to a convenient place of deposit for their produce and merchandise in the island of New Orleans.

That the late infraction of such their unquestionable right, is an aggression hostile to their honor and interest.

That it does not consist with the dignity or safety of this Union to hold a right so important by a tenure so uncertain.

That it materially concerns such of the American citizens as dwell on the Western waters, and is essential to the Union, strength and prosperity of these States, that they obtain complete security for the full and peaceable enjoyment of such their absolute right.

That the President be authorized to take immediate possession of such place or places, in the said island, or the adjacent territories, as he may deem fit and convenient for the purposes aforesaid; and to adopt such other measures for obtaining that complete security as to him in his wisdom shall seem meet.

That he may be authorized to call into actual service any number of the militia of the States of South Carolina, Georgia, Ohio, Kentucky, Tennessee, or of the Mississippi territory, which he may think proper, not exceeding fifty thousand, and to employ them, together with the military and naval forces of the Union, for effecting the objects above mentioned.

That the sum of five millions of dollars be appropriated to the carrying into effect of the foregoing resolutions, and that the whole or any part of that sum be paid or applied, on warrants drawn in pursuance of such directions as the President may, from time to time, think proper to give to the Secretary of the Treasury."
—*Benton, Abridgement of Debates, Vol. II., pp. 668–70.*

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Mr. Clinton [Republican of New York] discusses the question;

"Sublime as these speculations may appear to the eyes of some, and high sounding as they may strike the ears of many, they do not affect me with any force. In the first place, I do not perceive how they bear upon the question before me; it merely refers to the seizure of New Orleans, not to the maintenance of the balance of power. Again: of all characters, I think that of a conquering nation least becomes the American people. What, sir? shall America go forth, like another Don Quixote, to relieve distressed nations, and to rescue from the fangs of tyranny the powerful States of Britain, Spain, Austria, Italy, the Netherlands? Shall she, like another Phaeton, madly ascend the chariot of Empire, and spread desolation and horror over the world? Shall she attempt to restrain the career of a nation which my honorable colleague represents to have been irresistible, and which he declares has appalled the British lion and the imperial eagle of the house of Austria? Shall she wantonly court destruction, and violate all the maxims of policy which ought to govern an infant and free Republic? Let us, Sir, never carry our arms into the territories of other nations, unless we are compelled to take them up in self-defense. A pacific character is of all others most important for us to establish and maintain. . . .

. . . I look, Sir, upon all the dangers we have heard about the French possessions of Louisiana, as visionary and idle. Twenty years must roll over our heads before France can establish in that country a population of two hundred thousand souls. What in the meantime will become of your Southern and Western States? Are they not advancing to greatness with a giant's stride? The Western waters will then contain on their borders millions of free and hardy republicans, able to crush every daring invader of their rights. A formidable navy will spring from the bosom of the Atlantic States, ready to meet the maritime forces of any nation. With such means, what will we have to fear from the acts or from the arms of any power, however formidable.—*Cited in Gayarre, pp. 490-91.*

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A very intense debate arose over the question whether provision should be made to carry out the treaty for the purchase of Louisiana: A few extracts will show the line of argument:

MR. PICKERING said, if he entertained the opinion just now expressed by the gentleman from Delaware, (Mr. Wells,) of the binding force of all treaties made by the President and Senate, he should think it to be his duty to vote for the bill now under consideration. "The constitution, and the laws of the United States made in pursuance thereof, and all treaties made, or which shall be made under the authority of the United States, shall be the supreme law of the land."—But a treaty to be thus obligatory, must not contravene the constitution, nor contain any stipulations which transcend the powers therein given to the President and Senate. The treaty between the United States and the French Republic, professing to cede Louisiana to the United States, appeared to him to contain such an exceptional stipulation—a stipulation which cannot be executed by any authority now existing. It is declared in the third article, that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States." But neither the President and Senate, nor the President and Congress, are competent to such an act of incorporation He believed that our Administration admitted that this incorporation could not be effected without an amendment to the constitution: and he conceived that this necessary amendment could not be made in the ordinary mode by the concurrence of two-thirds of both Houses of Congress, and the ratification by the Legislature of three-fourths of the several States. He believed the assent of each individual State to be necessary for the admission of a foreign country as an associate in the Union; in like manner as in a commercial house, the consent of each member would be necessary to admit a new partner into the company; and whether the assent of every State to such an indispensable amendment were attainable, was uncertain. But the articles of the treaty were necessarily related to each other: the stipulation in one article being the con

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sideration for another. If, therefore, in respect to the Louisiana Treaty, the United States fail to execute, and within a reasonable time, the engagement in the third article, (to incorporate that territory into the Union,) the French Government will have a right to declare the whole treaty void. We must then abandon the country, or go to war to maintain our possession. But it was to prevent war that the pacific measures of the last winter were adopted—they were to "lay the foundation for future peace."

Mr. P. had never doubted the right of the United States to acquire new territory, either by purchase or by conquest, and to govern the territory so acquired as a dependent province; and in this way might Louisiana have become a territory of the United States, and have received a form of government infinitely preferable to that to which its inhabitants are now subject.

MR. TAYLOR.—There have been, Mr. President, two objections made against the treaty; one that the United States cannot constitutionally acquire territory; the other that the treaty stipulates for the admission of a new State into the Union; a stipulation which the treaty-making power is unable to comply with. To these objections I shall endeavor to give answers not heretofore urged.

Before a confederation, each State in the Union possessed a right, as attached to sovereignty, of acquiring territory, by war, purchase, or treaty. This right must be either still possessed, or forbidden both to each State and to the General Government, or transferred to the General Government. It is not possessed by the States separately, because war and compacts with foreign powers and with each other are prohibited to a separate State; and no other means of acquiring territory exist. By depriving every State of the means of exercising the right of acquiring territory, the constitution has deprived each separate State of the right itself. Neither the means nor the right of acquiring territory are forbidden to the United States; on the contrary, in the fourth article of the constitution, Congress is empowered "to dispose of and regulate the territory belonging to the United States." This recognizes the right of the United States to hold territory. . . .

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Having proved, Sir, that the United States may constitutionally acquire, hold, dispose of, and regulate territory, the other objection to be considered is, whether the third article of the treaty does stipulate that Louisiana shall be erected into a State? It is conceded that the treaty-making power cannot, by treaty, erect a new State, however they may stipulate for it. . . .

The third article declares that "the inhabitants of the ceded territory shall be incorporated in the Union of the United States." And these words are said to require the territory to be erected into a State. This they do not express, and the words are literally satisfied by incorporating them into the Union as a Territory, and not as a State. The constitution recognizes and the practice warrants an incorporation of a Territory and its inhabitants into the Union, without admitting either as a State. . . .

MR. NICHOLAS.— . . . If the third article of the treaty is an engagement to incorporate the territory of Louisiana into the Union of the United States and to make it a State, it cannot be considered as an unconstitutional exercise of the treaty-making power; for it will not be asserted by any rational man that the territory is incorporated as a State by the treaty itself, when it is expressly declared that "the inhabitants shall be incorporated in the Union of the United States, and admitted as soon as possible, according to the principles of the Federal Constitution." Evidently referring the question of incorporation, in whatever character it was to take place, to the competent authority; and leaving to that authority to do it, at such time, and in such manner, as they may think proper.

MR. THATCHER.— . . . The confederation under which we now live is a partnership of States, and it is not competent to it to admit a new partner but with the consent of all the partners. If such power exist, it does not reside in the President and Senate. The Constitution says new states may be admitted by Congress. If this article of the Constitution authorizes the exercise of the power under the treaty, it must reside with the Legislature, and not with the President and Senate.

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MR. R. GRISWOLD.— . . , As to the idea of some gentlemen, that this territory, not being a part of the United States, but a colony, and that therefore we may do as we please with it, it is not correct. If we acquire a colony by conquest or purchase—and I believe we may do both—it is not consistent with the constitution to delegate to the President, even over a colony thus acquired, all power, legislative, executive, and judicial; for this would make him the despot of the colony. . . . —*Benton, Abridgement of Debates, Vol. III., pp. 10, 14, 15, 20, 67, 75.*

QUESTIONS.

1. Who made the treaty of cesssion of Louisiana? 2. The stated object? 3. Who was meant by His Catholic Majesty? 4. What territory did we acquire? 5. Can you tell from the treaty itself the boundaries? 6. What did Talleyrand say to Livingston in regard to the boundaries? 7. What did Jefferson claim? 8. Draw a map to show what Louisiana included. 9. What boundary limits do you find it hard to determine? 10. See if you can find out from other histories how it was finally determined. 11. What rights were the people living in Louisiana to have? 12. What was to be done with the territory? 13. Have we any similar question at present to settle?

1. How did the United States feel toward the nation that held the mouth of the Mississippi River? 2. What position did the Western people take? 3. How did the Federalists attempt to use this Western feeling? 4. Why did Jefferson prefer peace to war? 5. What did Jefferson first attempt to purchase? 6. When did the movement to buy territory first begin? 7. Why did the United States object more strenuously to France's holding Louisiana than to Spain's? 8. What arguments did Livingston use with Napoleon? 9. What seemingly led Napoleon to part with Louisiana? 10. Did all French statesmen agree in the policy? 11. Who first proposed that the United States take *all* of Louisiana?

1. Summarize the arguments which led the United States to wish to buy territory; also the arguments that led France to sell. 2. Can you determine why Jefferson was so anxious to have Monroe go to France as minister? 3. What act of Spain made the crisis at New Orleans very acute? 4. Was it necessary to secure the mouth of the Mississippi to save the Union? 5. Which party was the peace party—Federal or Republican? 6. Can you find out why?

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1. State the constitutional position of Jefferson, of Pickering, of Taylor. 2. Can you determine their politics from the principle advocated? 3. How did Jefferson propose to get around the constitutional difficulty? 4. Do these arguments affect any question to-day? 5. See how many constitutional questions you can find? 6. What was the main issue? 7. Write a narrative history of the acquisition of Louisiana. 8. Find out and discuss, as far as you can, the effects of the purchase. Make a map showing what states have been carved out of the Louisiana territory.

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THE PURCHASE OF FLORIDA

The Florida treaty, 1819. Part of West Florida occupied, 1811; rest of West Florida taken possession of, 1812. Area, 59,268 square miles. Total cost, $6,489,768. Ownership of West Florida in dispute, 1803-1819. Provision made for its incorporation into the Union. The purchase the work of John Quincy Adams.

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CHAPTER V

THE PURCHASE OF FLORIDA

The purchase of Louisiana made the acquisition of Florida almost a necessity. The former, however, so overshadowed the latter in importance that due attention has not been given by our historians to the result of John Quincy Adams' diplomacy. He considered this treaty the most important act of his life up to that time, and as one of the most momentous events in American history. I believe it is not generally known, certainly not generally appreciated, that for many years the attempt to secure the Floridas dominated the course of American political action. For several years, after 1803, Jefferson bent his foreign policy with reference to securing, at least, West Florida. Madison modified his course, more or less, as it would be affected by, or would affect, this question. The Seminole war, the foreign complications in connection with Ambrister and Arbuthnot, Jackson's difficulty in regard to the invasion of Florida, all were factors in this problem. In fact it may be said that, from 1803 to 1821, there was scarcely a moment in which the peace and welfare of the United States was not more or less endangered by the existence of Florida as a Spanish possession.

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Then too, there was the question of the boundary of Louisiana, which involved the other issue whether West Florida was a part of the Louisiana purchase or not. It will be noticed also that by this treaty the south-western boundary was determined and the southern boundary of Oregon fixed. To be sure Texas was given up, and its reannexation became later an issue which we will study in the next chapter.

I hope that the material which I have brought together in this study may help to an understanding of a generally little known topic in the history of the "expansion" of the United States.

The following extracts from the treaty between the United States and Spain whereby Florida was acquired will lay the foundation for our study:—

Treaty of amity, settlement, and limits between the United States of America and his Catholic Majesty. Concluded February 22, 1819; ratification exchanged February 22, 1821; proclaimed February 22, 1821. Also ratification of the same by the King of Spain, October 24, 1820.

The United States of America and his Catholic Majesty, desiring to consolidate on a permanent basis, the friendship and good correspondence which happily prevails between the two parties, have determined to settle and terminate all their differences and pretensions, by a treaty, which shall designate with precision, the limits of their respective bordering territories in North America.

With this intention the President of the United States has furnished with their full powers John Quincy Adams, Secretary of State of the Said United States, and his Catholic majesty has appointed the Most Excel-

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lent Lord Don Luis DeOnis, Gonzales, Lopez y Vara, Lord of the town of Rayaces, Perpetual Regidor of the Corporation of the city of Salamanca, Knight Grand Cross of the Royal American Order of Isabella the Catholic, decorated with the Lys of La Vendee, Knight Pensioner of the Royal and Distinguished Spanish order of Charles the Third, Member of the Supreme Assembly of the said Royal Order; of the Council of his Catholic Majesty; his secretary, with exercise of decrees, and his envoy extraordinary and minister plenipotentiary near the United States of America. [Who have concluded the treaty].

ART. II. His Catholic Majesty cedes to the United States, in full property and sovereignty, all the territories which belong to him, situated to the eastward of the Mississippi, known by the name of East and West Florida The adjacent islands dependent on said provinces, all public lots and squares, vacant lands, public edifices, fortifications, barracks and other buildings, which are not private property, archives and documents, which relate directly to the property and sovereignty of said provinces, are included in this article.

ART. III The boundary line between the two countries, west of the Mississippi, shall begin on the Gulf of Mexico, at the mouth of the River Sabine, in the sea, continuing north, along the western bank of that river, to the 32nd degree of latitude; thence, by a line due north, to the degree of latitude where it strikes the Rio Roxo of Natchitoches, or Red River; then following the course of the Rio Roxo westward, to the degree of longitude 100 west from London and 23 from Washington; then, crossing the said Red River, and running thence, by a line due north, to the river Arkansas, thence, following the course of the southern bank of the Arkansas, to its source, in latitude 42 north; and thence, by that parallel of latitude, to the South Sea. The whole as being laid down in Melish's map of the United States, published at Philadelphia, improved to the first of January, 1818 But if the source of the Arkansas River shall be found to fall north or south of latitude 42, then the line shall run from the said source

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due south or north, as the case may be, till it meets the said parallel of latitude 42, and thence, along the said parallel, to the South Sea. All the islands in the Sabine, and the said Red and Arkansas rivers, throughout the course thus described, to belong to the United States; but the use of the waters, and the navigation of the Sabine to the sea, and of the said rivers Roxo and Arkansas, throughout the extent of the said boundary, on their respective banks, shall be common to the respective inhabitants of both nations.

The two high contracting parties agree to cede and renounce all their rights, claims, and pretentions, to the territories described by the said line, that is to say: The United States hereby cede to his Catholic majesty, and renounce forever, all their rights, claims and pretensions, to the territories lying west aud south of the above described line; and, in like manner, his Catholic Majesty cedes to the said United States all his rights, claims, and pretentions to any territories east and north of the said line, and for himself, his heirs and successors, renounces all claim to the said territories forever.

ART. VI. The inhabitants of the territories which his Catholic Majesty cedes to the United States, by this treaty, shall be incorporated in the Union of the United States as soon as may be consistent with the principles of the Federal Constitution, and admitted to the enjoyment of all the privileges, rights and immunities of the citizens of the United States.

ART. XI. The United States, exonerating Spain from all demands in future, on account of the claims of their citizens to which the renunciations herein contained extend, and considering them entirely cancelled, undertake to make satisfaction for the same, to an amount not exceeding five millions of dollars.

This treaty was ratified by the two nations in the following manner and terms:

WHEREAS, a treaty of amity, settlement and limits between the United States of America, and his Catholic Majesty, was concluded and signed between their plenipotentiaries in this city, on the twenty-second day of

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February, in the year of our Lord one thousand eight hundred and nineteen, which treaty is as follows:

(Here follows the treaty in full).

And, whereas, his said Catholic Majesty did, on the twenty-fourth day of October, in the year of our Lord one thousand eight hundred and twenty, ratify and confirm the said treaty, which ratification is in the words and tenor following:

(Here follows the ratification of the King of Spain in full).

And, whereas, the United States did, on the nine teenth day of the present month, advise and consent to the ratification, on the part of these United States, of the said treaty, in the following words:

IN THE SENATE OF THE UNITED STATES, Feb 19, 1821.

"Resolved, two-thirds of the Senators present concurring therein, That the Senate having examined the treaty of amity, settlement, and limits between the United States of America and his Catholic Majesty, made and concluded on the twenty-second of February, one thousand eight hundred and nineteen, and seen and considered the ratification thereof made by his said Catholic majesty on the twenty-fourth day of October, one thousand eight hundred and twenty, do consent to and advise the President of the United State to ratify the same."

And, whereas, in pursuance of said advice and consent of the Senate of the United States, I have ratified and confirmed the said treaty, in the words following, viz:

"Now, therefore, I, James Monroe, President of the United States of America, having seen and considered the treaty above recited, together with the ratification of his Catholic Majesty thereof, do, in pursuance of the aforesaid advice and consent of the Senate of the United States, by these presents, accept, ratify and confirm, the said treaty, and every clause and article thereof, as the same are herein before set forth.

"In faith whereof I have caused the seal of the United States of America to be hereunto affixed.

"Given under my hand, at the city of Washington, this twenty-second day of February, in the year of our

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Lord one thousand eight hundred and twenty-one, and of the Independence of the said States the forty-fifth. By the President. JAMES MONROE.

Cited in Donaldson, Public Domain, pp. 111-112, 113, 115.

The following extracts from John Quincy Adams's diary throw much light on the feelings and movements of these years as they pertain to our subject:—

. . . Before the Florida Treaty was signed, Clay's tactics were to push the Executive, if possible, into a quarrel with Spain. As he did not play his game very skilfully, his impetuosity contributed to promote the conclusion of the treaty. Without involving the Executive as he intended, it alarmed Spain, and gave us argument to bring her to reasonable terms. When the treaty was signed, it was so generally considered as highly advantageous to the United States that it was considered very creditable to the Administration, and Clay, though he betrayed his ill will to it, yet dared not make any opposition against it. As soon as the question about the grants arose, Clay seized upon it as a means of defeating the treaty. Spain, by withholding the ratification beyond the stipulated period, has thrown away the bargain, and the United States are no longer bound to abide by it. In the course of the discussion with Spain it became necessary to show that Onis's instructions authorized him to have conceded more than he did Upon which Clay immediately argues that more was conceded than Onis asked At the commencement of the session, the President proposed that a discretionary power should be given to the Executive to take possession of Florida and to indemnify the claimants upon Spain, as if the treaty had been ratified, from the Florida lands. The House manifested no disposition to comply with this proposal, and the Committee of Foreign Relations brought in a report requiring positively that Florida should be taken, and leaving the claims totally unprovided for. Clay's professed project was to set the treaty aside, to take the province of

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Texas, and recognize the South Americans; his real object was merely to defeat the treaty and do nothing. It has long been obvious that Congress would do nothing, and the danger to the Executive is, that by that termination of doing nothing the appearance to the world will be of dissension between the Executive and the Legislature, the worst of all possible positions for negotiating with the Spaniard when he comes. In the mean time, the Missouri question and its compromise have sharpened the greediness of the Southern interest for more Southern Territories to make more slave States, and given the Northern and Eastern interest a distaste even for Florida, because that would become another slave State. The new disturbances in Spain also threaten a revolution of the Government there, and put an end to all question as to the issue of the revolution in South America. The only powerful interest, therefore, that Spain had for settling her differences with us is disappearing. There is no prospect of the ratification of the treaty, and there is at this moment scarcely any great interest in this country that desires the ratification. Forsyth in his dispatch says that probably the Spanish Government wishes that we may take possession of Florida for the sake of having stronger ground for insisting on the confirmation of the grants, and the proposal of the Committee of Foreign Relations falls into this view as completely as if it had been drawn up by the Duke of Alagon himself. (March 18, 1820).

* * * *

I wrote a few observations on the proposal I had made to the President last Saturday, to send a message to Congress recommending a postponement of the measures for occupying Florida for the next session. . . . (March 20).

* * * *

Crawford declared himself in favor of the measure more frankly and explicitly than I expected, though he saw, and with us all remarked, that it was subject to much misconception and misrepresentation. Wirt's opinion, as usual, was not opposed to that of the Presi-

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dent; the only objector, and quite to my surprise, was Calhoun. . . . (March 21).

* * * *

I observed to Mr. Lowndes that the report of the committee appeared to admit that if we should take possession of Florida without the ratification of the treaty, we should be bound to recognize the contested grants [of land made by Spain to Spanish citizens] as valid; in which case the claims of indemnity [of American citizens against Spain for losses of goods, ships, etc., in previous years] would remain totally unprovided for. He admitted that the report might bear that construction, but said it was not intended. The intention merely was to signify to Spain that if, by the validity of the grants, the fund from which the claims were to be indemnified should fail, we should then look westward of the Sabine for the necessary substitute. (March 23).

* * * *

I went to the President's, and took with me the papers furnished me by Poletica [the Russian minister], copies of the extracts of letters to him on our Spanish affairs. The President then asked me whether it would not be better for him to strike out that paragraph of the message which mentioned the wishes expressed by the Russian and French Governments, that we should abstain from all forcible measures and wait to hear the expected Spanish minister. I told him that, after all the reflection I could give to the subject, my opinion was that it would be best to retain the paragraph. It would certainly excite some censure in Congress and some in the country; but the manifestation of that very censure would strengthen the Executive in the negotiation and have a favorable counter-effect in Europe. The interposition was of a character justifiable in itself, and the jealousy against it was over sensitive. For as a war between us and Spain could scarcely fail to kindle a war in Europe which would involve both France and Russia, they had a strong interest of their own in the event, which gave them a right at least to advise peace. The President concluded to retain the paragraph, and desired me to have two copies of the documents to be transmitted with the

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message ready to be sent to Congress on Monday; and to ascertain from Poletica whether he was willing that a translation of the extract from Nesselrode's dispatch to him should be communicated with the other papers. (March 25).

* * * *

. . . The Florida treaty, when concluded last winter, was universally considered as obtaining so much more for us than had ever been expected, that not a voice could be raised against it in either House of Congress. Now the public feeling is different. For, while the King of Spain refuses to ratify because, he says, his Minister conceded too much, the people of our Western country have been instigated against the treaty as not having obtained enough. The Missouri question, too, has operated to indispose every part of the Union against the treaty: the North and East, because they do not wish to have Florida as another slave State; and the South and West, because they wish to have all the territory to the Rio del Norte for more slave States. Clay seizes upon this state of things, and has brought forward these resolutions, which are to operate in every possible contingency against the Administration. . . . (March 31).

Clay's resolutions are; 1. That Congress alone have power to cede territory, and no treaty can cede it without their sanction; and, 2. That the Florida Treaty ceded territory without an adequate equivalent, and ought not to be renewed. Edwards says he had at first been told that these resolutions would not have much support, but afterwards that they would, and perhaps might be carried in the House: that all the Western members would vote for them, and that the treaty had been rendered unpopular in the Western country. . . (March 31).

I told Edwards that I had very little attachment to the treaty. I believed it now, as when it was signed, an acceptable bargain; but I had been the last man in the Administration to agree to accept the Sabine for the western boundary, and shall now be very ready to abandon the treaty if the opinion of an adequate por-

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tion of either House of Congress should be adverse to it; that, as a servant of the whole Union, the interests of every part of the Union were equally dear to me—there was neither East, West, North, or South to my duty or my feelings; but, as an Eastern man, I should be disinclined to have either Texas or Florida without a restriction excluding slavery from them, and if I were now a member of either House of Congress, I would offer resolutions that the treaty ought not now to be accepted without an article prohibiting and excluding slavery from the territory to be acquired. I had been continually expecting that such resolutions would be offered by some one of the Northern or Eastern members. . . . (March 31).

* * * *

The President said he really did not think we ought to go to war for Florida, or that the nation would be willing to proceed to that extremity. This also was my opinion. But, after what had passed, I believed Florida might be occupied without risking a war, and it would deserve consideration whether any other course could be taken consistently with the honor of the nation. . . . (April 7, 1820).

* * * *

. . . I had some conversation with Mr. Ruggles with regard to the opinions of the people in the Western country concerning the Florida Treaty and Mr. Clay's project of setting it aside and taking possession of the province of Texas. Ruggles said that this project was adverse to the interests of the State of Ohio, who would be well satisfied with the ratification of the treaty. . . . Mr. David Trimble, . . . came with a long argument to convince me that the only way for me to make myself popular in the Western country was to set the treaty aside and urge the recognition of the South American revolutionists, and insist upon the Rio del Norte as the western boundary. . . . (April 13).

I told him . . . I had no doubt that if the treaty should be set aside we should ultimately obtain more territory than it would secure to us, but we should get the same territory with the treaty sooner than we should want it; and even now I thought the greater

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danger of this Union was in the overgrown extent of its territory, combining with the slavery question. . . . (April 13).

. . . He and Mr. Clay were excellent negotiators in theory. They were for obtaining all and granting nothing. They played a game between their own right and left hands, and could allot with admirable management the whole stakes to one hand and total discomfiture to the other. In the negotiation with Spain we had a just claim to the Rio del Norte, no claim to a line beyond the Rocky Mountains, and none to Florida, which we very much wanted. The treaty gives us the Mississippi and all its waters—gives us Florida—gives us an acknowledged line to the South Sea, and seventeen degrees of latitude upon its shores—gives our citizens five millions of dollars of indemnity—and barely gives up to Spain the colorable claim from the Sabine to the Rio del Norte. Now negotiation implies some concession upon both sides. If after obtaining every object of your pursuit but one, and that one weak in principle and of no present value, what would you have offered to Spain to yield that also? . . . (April 13).

* * * *

Mr. Calhoun thought it would be well to enlarge upon the absolute obligation of the King of Spain to ratify the treaty. I had been impressed with the same idea, but had omitted the argument, to avoid making the note too long. . . . (April 26).

* * * *

. . . The president read the draft of the message which he had prepared, closing with the recommendation that Congress should postpone acting upon the treaty till the next session, in consideration of the revolution in the Spanish Government. No objection to this course was now made, though Crawford and myself concurred in the opinion that it was substantially giving up the last chance to obtain the ratification of the treaty. Crawford still thought the best measure to be taken would be the immediate occupation of Florida. My opinion still is, that the best measure would be that Congress should authorize the occupation at the discre

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tion of the President, leaving Spain still the alternative of ratifying the treaty during the summer. . . . (May 8).

* * * *

. . . I asked him whether he knew what was the occasion of the President's calling the Cabinet meeting on Saturday. He said it was a letter that he had received from Mr. Jefferson, in which, though mentioning in terms of high commendation the Florida Treaty, he yet advises that its ratification should not now be accepted, but that we should look to the occupation of Texas. . . . (May 22).

* * * *

This is the analysis of a session-opening message. Mr. Monroe's messages have always had a long paragraph upon the civil war between Spain and her Colonies, and there is one in the present message. There was some discussion about it. . . . (November 12).

. . . Mr. Clay having attempted to raise an opposition party upon a sympathetic feeling in the people of this country favorable to the South Americans and having insinuated that Mr. Monroe's Administration was partial against the South Americans, the President has thought it necessary to counteract this party manoeuvering by professions of favor to them, repeated at every session of Congress. . . . (November 12).

. . . I believe that these paragraphs of the message have been the principal real cause of the delay of Spain to ratify the Florida Treaty. (November 12).

* * * *

I this day received dispatches from Mr. Forsyth announcing definitely the ratification by the King of Spain of the Florida Treaty; . . . (January 4, 1821).

* * * *

General Vives, the Spanish Minister, came and informed me that Mr. De Barros had just arrived with the Florida Treaty ratified by the King of Spain. He said he had been so anxious to give me the first notice of this event himself that he had not even waited to open his dispatches, but had hastened here without losing one moment of time. I was much gratified with this mark of attention from the General, and made him

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my acknowledgements for it. He said he would make me a communication on Monday. Barret came in the Rapid, from Bordeaux, for Philadelphia, and landed from the vessel at Wilmington, Delaware. He had a passage of eighty-eight days. I called at the President's and informed him of the arrival of the treaty—an occurrence which gave him great satisfaction. . . . (February 10, 1821).

* * * *

I answered him that I should forthwith make report to the President of the communication of the treaty as ratified by the Government of Spain; that this ratification, having been given after the expiration of the six months stipulated by one of the articles at the term within which the ratification should be exchanged, would be submitted to the Senate of the United States for their advice and consent, to receive it in exchange for the ratification of the United States heretofore given; that if this sanction of the Senate should be granted, I should give him notice of my readiness to exchange the ratifications with him. (February 12).

. . . I went immediately over to the President's and informed him of this communication from General Vives. He desired me to prepare the draft of a message to the Senate for their advice and consent to the exchange of the ratifications. There was some question as to form of the message—whether it would be proper to propose a new ratification by the Senate, or simply their advice and consent to receive the Spanish ratification in exchange for the ratification of the United States, heretofore given. I thought the latter to be the proper and consistent form, and so the President directed it should be. . . . (February 12.)

* * * *

Ratifications of the Florida Treaty exchanged. . . I then took the treaty with the King of Spain's ratification myself; the General took the treaty with the President's ratification; Mr. Ironside held one of the originals executed by me and Mr. Onis, and Mr. Salmon another. Mr. Brent held the printed copy with the President's proclamation. Mr. Salmon read, from the original in his hand, the treaty, all the rest comparing their re-

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spective copies as he proceeded. I read in like manner the English, from the treaty which we retain with the Spanish ratification. Both the ratifications were then examined and found correct. . . . (February 22).

And thus have terminated, blessed be God, two of the most memorable transactions of my life. This day, two years have elasped since the Florida Treaty was signed. Let my sons, if they ever consult this record of their father's life, turn back to the reflections on the journal of that day. Let them meditate upon all the vicissitudes which have befallen the treaty, and of which this diary bears witness, in the interval between that day and this. Let them remark the workings of private interests, of perfidious fraud, of sordid intrigues, of royal treachery, of malignant rivalry, and of envy masked with patriotism, playing to and fro across the Atlantic into each other's hands, all combined to destroy this treaty between the signature and the ratification, and then let them learn to put their trust in the overruling providence of God. I considered the signature of the treaty as the most important event of my life. It was an event of magnitude in the history of this Union. The apparent conclusion of the negotiation had been greatly and unexpectedly advantageous to this country. . . . (February 22, 1821).—*J. Q. Adams, Memoirs, Vol. V., pp. 25, 28, 34, 39, 53, 54, 60, 67, 68, 69, 76, 105, 127, 200, 228, 266, 269, 271, 288, 289.*

* * * *

The beginnings of the Florida question may be traced back to 1804 as we see from this extract from a letter from Jefferson to Monroe:

. . . We scarcely expect any liberal or just settlement with Spain and are perfectly determined to obtain or to take our just limits. How far you will suffer yourself to be detained there by the procrastinations of artifice or indolence must depend on the prospects which arise, and on your own determination to accept the government of Louisiana, which will admit of but a limited delay. It is probable that the inhabitants of Louisiana on the left bank of the Mississippi and inland Eastwardly to a considerable extent, will

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very soon claim to be received under our jurisdiction, and that this end of W. Florida will thus be peaceably got possession of. For Mobile and the Eastern end we shall await favorable conjunctures. If they refuse to let our vessels have free ingress and egress in the Mobile to and from the Tombigby settlements, and if Spain is at war, the crisis there will be speedy. . . , (June 8, 1804).—*Ford, Writings of Thomas Jefferson, Vol. III, p. 289.*

The cabinet take up the question in 1804, and decide upon certain principles. Jefferson to Madison:

We did not collect the sense of our brethren the other day by regular questions, but as far as I could understand from what was said, it appeared to be,—1. That an acknowledgement of our right to the Perdido, is a *sine qua non*, and no price to be given for it. 2. No absolute and perpetual relinquishment of right is to be made of the country East of the Rio Bravo del Norte even in exchange for Florida. (I am not quite sure that this was the opinion of all). It would be better to lengthen the term of years to any definite degree than to cede in perpetuity. . . . (July 5, 1804).—*Ibid, p. 309.*

Jefferson writes to Madison again on this question:

I think you have misconceived the nature of the treaty I thought we should propose to England. I have no idea of committing ourselves immediataly or independently of our further will to the war. The treaty should be provisional only, to come into force on the event of our being engaged in war with either France or Spain during the present war in Europe. In that event we should make common cause, and England should stipulate not to make peace without our obtaining the objects for which we go to war, to-wit, the acknowledgement by Spain of the rightful boundaries of Louisiana (which we should reduce to our minimum by a secret article) and, 2. Indemnification for spoliations, for which purpose we should be allowed to make

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reprisal on the Floridas and *retain them* as an indemnification. . . . (Aug. 27, 1805).—*Ibid, p. 377.*

Jefferson to Wilson Cary Nicholas:

It seems now certain there will be an extensive war on the continent of Europe. We shall avail ourselves of the time which this event gives us to bring Spain peaceably to reason, and I believe there is a way of doing it with dignity and effect. Should it even fail, we shall still be in time to do ourselves justice if the case shall call for it. This new state of thing is the more fortunate in proportion as it would have been disagreeable to have proposed closer connections with England at a moment when so much just clamor exists against her for her new encroachments on neutral rights . . . (Oct. 25, 1805).—*Ibid, p. 383.*

Cabinet decision on Spain:

1. Spain shall cede and confirm to the United States East and West Florida with the islands and waters thereon depending and shall deliver possession immediately. 2. The United States shall pay to Spain in the city of Madrid on delivery of possession five million dollars within.....months after the treaty shall have been ratified by Spain. 3. Spain and France to have the same privileges respecting trade in the Floridas as (illegible) in Louisiana. * * * *

Spain shall pay to the United States in the city of Washington on or before the last day of December, 1807, four million dollars as an indemnification and acquittance for all spoliations committed under her flag on the citizens of the United States prior to the first day of November, 1805, with interest thereon from the date of this treaty, and for the faithful performance thereof she hypothecates to the United States the country described in the fifth article. (Nov. 14, 1805).—*Ibid, pp. 383-84.*

Jefferson discusses the subject further.

. . . Should England make up with us, while Bonaparte continues at war with Spain, a moment may occur when we may without danger of commitment with either France or England seize to our own limits

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of Louisiana as of right, and the residue of the Floridas as reprisal for spoliations. . . . (Aug. 12, 1808).

* * * *

. . . With respect to the boundaries they are as well ascertained as those of any unsettled country whatever, as well as the boundaries of several of these States, about which disputes still exist, and as the boundaries of many of the unsettled Northern countries of Europe. I wish you would authorize the President to take possession of East Florida immediately. The seizing of West Florida will be a signal to England to take Pensacola and St. Augustine; and be assured it will be done as soon as the order can return after they hear of our taking Baton Rouge, and we shall never get it from them, but by a war, which may be prevented by anticipation —there never was a case where the adage was more true, "in for a penny, in for a pound;" and no more offense will be taken by France and Spain at our seizure of both than of one. The English will take East Florida pretendedly for Spain. We should take it with a declaration 1. That it is a reprisal for indemnities Spain has acknowledged due to us. 2. To keep it from falling into hands in which it would essentially endanger our safety. 3. That in our hands it will still be held as a subject of negotiation. . . . (Jan. 5, 1811).—*Ford, Writings of Jefferson, Vol. IX., pp. 202, 290-91.*

At the date of Purchase Jefferson writes:

. . . I confess to you I am not sorry for the non-ratification of the Spanish treaty. Our assent to it has proven our desire to be on friendly terms with Spain; their dissent, the imbecility and malignity of their government towards us, have placed them in the wrong in the eyes of the world, and that is well; but to us the province of Techas will be the richest State of our Union, without any exception. Its southern part will make more sugar than we can consume; and the Red River on its north, is the most luxuriant country on earth. Florida, moreover, is ours. Every nation in Europe considers it such as a right. We need not care for its occupation in time of peace, and, in war, the first cannon makes it ours without offense to anybody.

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. . . I really think, too, that neither the state of our finances, the condition of our country, nor the public opinion, urges us to precipitation into war. The treaty has had the valuable effect of strengthening our title to the Techas, because the cession of the Floridas in exchange for Techas imports an acknowledgement of our right to it. This province moreover, the Floridas and possibly Cuba, will join us in the acknowledgment of their independence, a measure to which their new government will probably accede voluntarily. (May 14, 1820).—*Ford, Writings of Jefferson, Vol. X., p. 158-159.*

Report of a committee of the House of Representatives concerning the Florida treaty, Mr. Lowndes of South Carolina, chairman.

The Committee to whom has been referred so much of the President's Message, at the commencement of the session, as relates to foreign affairs, respectfully report—

That their attention was directed, immediately upon their appointment, to the state of the relations of the United States with Spain, and that their delay in making a report upon them must be attributed to their wish "to afford an opportunity for such friendly communications, during the present session of Congress," as the Government of Spain had authorized us to expect. They thought it better that Congress should postpone its determination until events might enable it to make that determination definite, than that it should pass a contingent act for authorizing measures which it was not proposed immediately to execute; that it should found its determination upon relations ascertained to exist, than upon a calculation of events which might be expected to occur during its sitting.

But more than a year has passed since the signature of the treaty by which it was proposed to terminate the long differences between the United States and Spain. More than six months since, the appointment of a new minister from Spain, who was "forthwith" to make known to the United States the intentions of the Government, and we have advanced so far in the session as

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to make it necessary to propose, without further delay, any measure on which it is expected that Congress shall act before its adjournment.

The Committee will not attempt to add anything to the exposition of the rights of the United States and the obligations of Spain, which is contained in the correspondence between the two Governments. We can hardly expect, from continued negotiation, the redress which has been claimed for twenty years, and promised for eighteen—which has been a second time promised, and a second time withheld. In such a negotiation, the signature of a treaty seems to be a mere incident, and not its term. For the spoliations which have been committed upon the property of our citizens, for the invasion of our soil, for the weakness or partiality which has made a Spanish territory the place of rendezvous and encampment of an enemy, and which has still more lately permitted the Indian inhabitants of territory (whom Spain was bound by treaty to restrain) to engage in savage hostilities against us; for all these acts of war, a people less attached to peace, would seek redress only by war. To capture and confiscate the ships and property of the wrongdoer, would be admitted to be a policy of mildness and forbearance. But, by such reprisals, the Government that does the wrong suffers less than the unoffending subject. It seems a more just reprisal to occupy the province which has been made an instrument of injury, which has been designated by Spain herself as the fund for our indemnity, and whose occupation by the United States will stop the accumulation of these claims for compensation and redress, which the misgovernment of that neglected colony continually produce. The Committee submit to the House a bill to authorize the President of the United States to take possession of East and West Florida, and establish a temporary government therein.

There appears too much reason to believe, from the mistake of the Spanish negotiator, as to the dates of the Spanish grants, which it was intended to annul, if the projected treaty had been ratified, that the Crown lands in Florida may be insufficient to provide the ex-

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pected indemnity for our losses. But these may be applied. as far as they will go, to the compensation of our citizens, and for the excess of our claim, Spain, by whose act the domain of Florida has been rendered inadequate, must expect us to look westward. Perhaps, when our attention is thus forced to a direction more interesting to Spain, her Government may at last admit that it is as much her interest as ours, that the just claims of the United States should be provided for by friendly convention, and we may hope that the next treaty between the two nations may be executed as well as signed.

The following is the bill accompanying the report;

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized and required to take possession of, and occupy, the territories of East and West Florida, and the appendages and appurtenances thereof; and he is hereby authorized, for that purpose to employ any part of the Army and Navy of the UnitedStates, and the militia of any State, which he may deem necessary. (Other sections follow).—*Annals of Congress, 1820, p. 1618-19.*

The following extracts from the debates in Congress over the treaty throws some light on the feeling and arguments of the time. The debate was extended and interesting. Clay's resolutions were as follows, over which the debate began:

Resolved, That the Constitution of the United States vests in Congress the power to dispose of the territory belonging to them, and that no treaty, purporting to alienate any portion thereof, is valid without the concurrence of Congress.

2. Resolved, That the equivalent proposed o be given by Spain, to the United States, in the treaty concluded between them, on the 22d day of February, 1819, for that part of Louisiana lying west of the Sabine, was inadequate; and that it would be inexpedient to make a transfer thereof to any foreign Power, or renew the aforesaid treaty.

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Has the House of Representatives a right to express its opinion upon the arrangement made in that treaty? The President, by asking Congress to carry it into effect, has given us jurisdiction of the subject, if we had it not before. We derive from that circumstance the right to consider—first, if there be a treaty; secondly, if we ought to carry it into effect; and thirdly, if there be no treaty, whether it be expedient to assert our rights independent of the treaty. It will not be contended that we are restricted to that specific mode of redress which the President intimated in his opening Message. (Clay, April 3, 1820).

It was far from his wish to renew at large a discussion of the treaty-making power. The Constitution of the United States had not defined the precise limits of that power, because, from the nature of it, they could not be prescribed. It appeared to him, however, that no safe American statesman would assign to it, a boundless scope. He presumed, for example, that it would not be contended that, in a Government which was itself limited, there was a functionary without limit. The first great bound to the power in question, he apprehended, was that no treaty could constitutionally transcend the very objects and purposes of the Government itself. . . . —*Ibid.*

* * * *

. . . But if the concurrence of this House be not necessary in the cases asserted; if there be no restriction upon the power he was considering, it might draw to itself and absorb the whole of the powers of Government. To contract alliances, to stipulate for raising troops to be employed in a common war about to be waged, to grant subsidies, even to introduce foreign troops within the bosom of the country, were not unfrequent instances of the exercise of this power; and if, in all such cases, the honor and faith of the nation were committed, by the exclusive act of the President and Senate, the melancholy duty alone might be left to Congress of recording the ruin of the Republic.—*Ibid*

* * * *

(Here Mr. C. read an extract from a memoir presented in 1805, by Mr. Monroe and Mr. Pinckney, to

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Mr. Cevallos, proving that the boundary of Louisiana extended eastward to the Perdido, and westward to the Rio del Norte; in which they say; "The facts and principles which justify this conclusion are so satisfactory to their Government as to convince it that the United States have not a better right to the island of New Orleans, under the cession referred to, than they have to the whole district of territory thus described.)—*Ibid.*

* * * *

All accounts concurred in representing Texas to be extremely valuable. Its superficial extent was three or four times greater than that of Florida. The climate was delicious; the soil fertile; the margins of the rivers abounded in live oak; and the country admitting of easy settlement. It possessed, moreover, if he were not misinformed, one of the finest ports on the Gulf of Mexico. The productions of which it was capable were suited to our wants. The unfortunate captive of St. Helena wished for ships, commerce, and colonies. We have them all, if we do not wantonly throw them away. The colonies of other countries are separatod from them by vast seas, requiring great expense to protect them, and are held subject to a oonstant risk of their being torn from their grasp. Our colonies, on the contrary, are united to and form a part of our continent; and the same Mississippi, from whose rich deposite, the best of them (Louisiana) has been formed, will transport on her bosom the brave and patriotic men from her tributary streams to defend and preserve the next most valuable, the province of Texas.

We wanted Florida, or rather we shall want it, or, to speak yet more correctly, we want nobody else to have it. We do not desire it for immediate use. It fills a space in our imagination, and we wish it to complete the arrondissement of our territory. It must certainly come to us. The ripened fruit will not more surely fall. Florida is enclosed in between Alabama and Georgia, and cannot escape. Texas may. Whether we ge Florida now or some five or ten years hence, is of no consequence, provided no other Power gets it; and if any other Power should attempt to take it, an existing act of Congress authorizes the President to prevent it. He

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was not disposed to disparage Florida, but its intrinsic value was incomparably less than Texas. . . .—*Ibid.*

Anderson opposes the position of Clay.

There is another consideration which should make this House cautious in adopting the resolutions before us—cautious in abandoning the high ground we have obtained by our forbearance and magnanimity. The course of this protracted negotiation has gained to us much honor in the eyes of the world. Although we have failed as yet in getting a recompense for the wrongs done to us, we have acquired a character which was worth much more. We have shown to the world that we sought justice, not aggrandisement; we have shown that we could abstain from war, even when our adversary had given to us the amplest justification. We have defeated the malicious predictions of the politicians of Europe, who declared that we only sought an apology for seizing on Florida. The present state of the negotiation has just brought those Courts to the acknowledgement (a proud one for us) that we sought only peace and a fair settlement.

But, if we pass these resolutions, we suddenly relinquish this high ground, and assume the station of our adversary. For fourteen years we have been urgent, Spain reluctant; we have pressed, Spain has receded; but now when there is an indication of peace, we suddenly change sides—Spain presses and we recede. . . . [Mr. Anderson, April 4, 1820.]—*Annals of Congress. 1820, pp. 1719. 1723-28, 1770-71*

QUESTIONS.

(1) What principle do you find illustrated in the titles used for J. Q. Adams and De Onis in Article I of the treaty? (2) Make a map to show the boundary line drawn between the United States and Spain. (3) Draw a map bounding the Florida purchase. (4) How much territory did the United States claim which it yielded at this time? (5) How much money did the United States pay? (6) To whom was it paid? (7) How was this territory of Florida to be governed? (8) Who ratified treaties in Spain? (9) Who in the United States? (10) Whose consent must be obtained in the United States?

(1) Did Clay approve the treaty? (2) Give the reasons

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assigned by Adams for Clay's action. (3) What course did Clay think should be taken? (4) What are the "claims" mentioned so often in these discussions? (5) What were the "grants" so much discussed? (6) Had the king of Spain ratified the treaty according to agreement? (7) Would his non-ratification justify the United States in seizing Florida? (8) Did Adams believe he had made a favorable treaty for the United States? (9) How had the Missouri struggle affected the feeling of the different sections toward the treaty? (10) What measure did the Cabinet of Monroe discuss? (11) What foreign nations were taking a deep interest in the questions at issue between the United States and Spain? (12) What views did Clay take in regard to the treaty power of the president? (13) According to him what right had Congress over treaties? (14) Over territories of the United States? (15) Did slavery play any part in this long struggle? (16) Give plan of Mr. Trimble. (17) What criticism does Adams make on Clay's capacity as a negotiator?

(1) Give the steps in the making, and ratification of this treaty. (2) Describe the last scene. (3) When did the struggle for the possession of Florida by the United States begin? (4) What claim did Jefferson make in regard to the ownership of West Florida? (5) Why did he not take possession of it in 1804? (6) What nation did Jefferson propose to unite with to gain Florida? (7) Give Jefferson's entire plan in 1805. (8) What his plans in 1808? (9) Did Jefferson approve of the treaty of purchase of 1819? (10) Give his plan. (11) Analyze the report of the committee of Congress. (12) Give the plan of the committee. (13) Discuss Mr. Clay's resolutions and speech. (14) Does Anderson answer him satisfactorily? (15) Write a narrative history on "The Purchase of Florida."

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THE ANNEXATION OF TEXAS.

United States' claim to, yielded, 1819. Became independent, 1836. United States recognized its independence, 1837. It seeks admission to the Union, 1837. Treaty of annexation rejected, 1844. Annexed by joint resolution, 1845. Became a state, December, 1845. Area, 376,123 square miles. By compromise of 1850, 96,707 square miles ceded to the United States. Total cost to the United States, about $16,000,000.

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CHAPTER VI

ANNEXATION OF TEXAS

The annexation of Texas, in 1845, was secured only after many years of discussion. As was noticed in the Louisana study the United States had a fair claim to it from that purchase. However whatever right they had was yielded in 1819 with the purchase of Florida. Almost immediately thereafter efforts were made looking to its re-acquisition. J. Q. Adams and Andrew Jackson both sought to purchase it, but found Mexico unwilling to dismember itself. Then came its independence in 1836, and the negotiations looking to its absorption by the United States.

The following extracts will trace in a fair measure the steps in the later history, and will illustrate the nature of the arguments used by those who favored, and by those who opposed the annexation. It will be noticed that with rare exceptions the opponents came from the North, and mainly from the whig party. The arguments were on both sides based on the expediency and the constitutionality of the measure. The student will find an interesting problem in tracing down the new issue that came in with this expansion. A careful study should be made of the boundaries of Texas now, as compared with the limits she claimed

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in 1845, at the time of her admission into the Union. On the whole it may be claimed that with the annexation of Texas forces were set at work that did not cease to operate for many years, and in their effects greatly changed the entire tendency of our national life.

Joint resolution for annexing Texas to the United States.

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the territory properly included within, and rightfully belonging to, the Republic of Texas, may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said republic, by deputies in convention assembled, with the consent of the existing government, in order that the same may be admitted as one of the States of this Union.

2. And be it further resolved, That the foregoing consent of Congress is given upon the following conditions and with the following guarantees, to-wit: First, Said State to be formed, subject to the adjustment by this government of all questions of boundary that may arise with other governments; and the constitution thereof, with the proper evidence of its adoption by the people of said Republic of Texas, shall be transmitted to the President of the United States, to be laid before Congress for its final action on or before the first day of January, one thousand eight hundred and forty-six. Second. Said State when admitted into the Union, after ceding to the United States all public edifices, fortifications, barracks, ports and harbors, navy and navy yards, docks, magazines, arms, armaments, and all other property and means pertaining to the public defense, belonging to said Republic of Texas, shall retain all the public funds, debts, taxes, and dues of every kind, which may belong to or be due and owing said republic; and shall also retain all the vacant and unappropriated lands lying within its limits, to be applied

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to the payment of the debts and liabilities of said republic of Texas, and the residue of said lands, after discharging said debts and liabilities, to be disposed of as said State may direct; but in no event are said debts and liabilities to become a charge upon the government of the United States. Third. New States, of convenient size, not exceeding four in number, in addition to said State of Texas, and having sufficient population, may hereafter, by the consent of said State, be formed out of the territory thereof, which shall be entitled to admission under the provisions of the federal constitution. And such States as may be formed out of that portion of said territory lying south of thirty-six degrees thirty minutes north latitude, commonly known as the Missouri Compromise line, shall be admitted into the Union, with or without slavery, as the people of each State asking admission may desire. And in such State or States as shall be formed out of said territory, north of said Missouri Compromise line, slavery or involuntary servitude (except for crime) shall be prohibited.

3. And be it further resolved, That if the President of the United States shall, in his judgment and discretion, deem it most advisable, instead of proceeding to submit the foregoing resolution to the Republic of Texas, as an overture on the part of the United States for admission, to negotiate with that Republic—then, Be it resolved, That a State, to be formed out of the present Republic of Texas, with suitable extent and boundaries, and with two representatives in Congress, until the next apportionment of representation, shall be admitted into the Union, by virtue of this act, on an equal footing with the existing States, as soon as the terms and conditions of such admission and the cession of the remaining Texan territory to the United States shall be agreed upon by the governments of Texas and the United States; and that the sum of one hundred thousand dollars be, and the same is hereby appropriated to defray the expenses of missions, and negotiations, to agree upon the terms of said admission and cession, either by treaty to be submitted to the Senate,

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or by articles to be submitted to the two houses of Congress, as the President may direct.

J. W. JONES,
Speaker of the House of Representatives.
WILLIE P. MANGUM,
President Protempore of the Senate.
JOHN TYLER.

(Approved, March 1, 1845.)

Executive Documents, 1st Session, 29 Congress, pp. 37, 38; also in United States Statutes, V, p. 797.

President Polk's Message, 1845.

In pursuance of the joint resolution of Congress, "for annexing Texas to the United States," my predecessor, on the third day of March, 1845, elected to submit the first and second sections of that resolution to the Republic of Texas, as an overture, on the part of the United States, for her admission as a State into our Union. This election I approved, and accordingly the charge d'affairs of the United States in Texas, under instructions of the tenth of March, 1845, presented these sections of the resolution for the acceptance of that Republic. The executive government, the Congress, and the people of Texas in convention, have successively complied with all the terms and conditions of the joint resolution. A constitution for the government of the State of Texas, formed by a convention of deputies, is herewith laid before Congress. It is well known, also, that the people of Texas at the polls have accepted the terms of annexation and ratified the constitution. . . .

As soon as the Act to admit Texas as a State shall be passed, the union of the two Republics will be consummated by their own voluntary consent.

This accession to our territory has been a bloodless achievement. No arm of force has been raised to produce the result. The sword has had no part in the victory. We have not sought to extend our territorial possessions by conquest, or our republican institutions over a reluctant people. It was the deliberate homage of each people to the great principle of our Federal Union.

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If we consider the extent of territory involved in the annexation—its prospective influence on America—the means by which it has been accomplished, springing purely from the choice of the people themselves to share the blessings of our union—the history of the world may be challenged to furnish a parallel.

The jurisdiction of the United States, which at the formation of the Federal constitution was bounded by the St. Mary's on the Atlantic, has passed the Capes of Florida, and has been peaceful y extended to the Del Norte. In contemplating the grandeur of this event, it is not to be forgotten that the result was achieved in despite of the diplomatic interference of European monarchies. Even France, the country which had been our ancient ally—the country which has a common interest with us in maintaining the freedom of the seas—the country which, by the cession of Louisiana, first opened to us access to the Gulf of Mexico—the country with which we have been every year drawing more and more closely the bonds of successful commerce—most unexpectedly and to our unfeigned regret, took part in an effort to prevent annexation, and to impose on Texas, as a condition of the recognition of her independence by Mexico, that she would never join herself to the United States. We may rejoice that the tranquil and pervading influence of the American principle of self-government was sufficient to defeat the purposes of British and French interference, and that the almost unanimous voice of the people of Texas has given to that interference a peaceful and effective rebuke. From this example, European governments may learn how vain diplomatic arts and intrigues must ever prove upon this continent, against that system of self-government which seems natural to our soil, and which will ever resist foreign interference.—*Executive Documents, 1st Session XXIXth Congress, pp. 3, 4, 5.*

Mr. Donelson, American Ambassador to Texas; March 31, 1845, writes:

It now remains for the government and people of Texas, by their acceptance and ratification of the provisions contained in this joint resolution, to finish the

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great work of annexation; and to assume their station as an independent, equal, and sovereign member of the American confederacy, as soon as the constitutional requirements usual in the admission of new States can be complied with. Anxious to execute the trust devolved upon him by the resolution referred to, in the manner best calculated to secure its objects, and with the least inconvenience and delay to Texas, the President of the United States has instructed the undersigned to inform this government that he has selected as the basis of the action yet necessary on the subject, the first and second sections of the resolution, leaving out of view the remaining or third section. . . .

This great question, then, is in the hands of Texas. It depends upon herself whether she will be restored to the bosom of the republican family, and, taking her station with the other sisters of the confederacy, will co-operate with them in advancing the cause of free government; or whether, standing aloof from them, she is to run the hazards of a separate career, at a period in the affairs of the world when the friends of a different system of government are urged by the most powerful motives to resist the extension of the republican principle.—*Ibid, pp. 34, 35.*

Mr. Donelson writes from Texas to Secretary of State Buchanan as follows:

LEGATION OF THE UNITED STATES,
NEW ORLEANS, May 11, 1845.

SIR:—The Wabash, one of the vessels trading between this place and New York, has just arrived, and reports that she parted on the 5th instant with a British fleet, composed of one line-of-battle ship, one frigate, one sloop of war, and one ten-gun brig, supposed to be bound for Havana. This fleet was at The Hole in the Wall on the 4th.

The appearance of this force is doubtless in accordance with a previous understanding with Mexico; . . Mexico, encouraged by the presence of this fleet, may still be blind enough to decide upon war with us, thinking that Texas, rather than be thus involved, may, as

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the least of evils, prefer independence jointly guaranteed by France and England.—*Ibid, p. 45.*

Again he writes, June 2, 1845:

SIR:—I reached this place two days ago in the steamer New York, and found here Captain Elliott, the British Minister, arrived the day before in a French corvette. He has the preliminary articles of a treaty, the basis of which is the independence of Texas, provided she will agree to maintain her separate sovereignty; or, in other words, not become a member of our Federal union. With these propositions he has repaired to the seat of government of Texas; so that at last we have the development of the plan concerted by the British government as an offset to the joint resolution offered by the Congress of the United States. . . .

But stripped of diplomatic phrase, this negotiation is nothing more nor less than a contrivance of GreatBritain to defeat the measure of annexation, or involve Mexico in a war with the United States. Such will be the impartial judgment of the world when the curtain is lifted which has heretofore concealed the true character of the means that have affected the question.

Had the resolution for the annexation of Texas to our Union not been adopted at the last session of our congress, the pretentions of Mexico, instead of being lowered, as they now are, would have been elevated still higher, and she would have been made to renew her threats of war against Texas, whilst the kind offices of Capt. Elliott would have been employed in negotiating truces and treaties, until the foundation could have been laid for the operation of those peaceable means by which Lord Aberdeen has declared it to be the intention of his government to promote the abolition of slavery throughout the world. Abandoned by the United States, oppressed with debt, and wearied with the increasing burdens and privations of war, Texas would have been at the mercy of Great Britain, and her statesmen would have accepted almost any terms that would have secured peace. How different is the prospect since the passage of our joint resolution, which was unexpected to both England and Mexico. . . . —*Ibid p. 52.*

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Mr. Donelson to Mr. Allen, June 11, 1845:

If Texas cannot be allowed to enjoy the blessings of peace and independence, as one of the sovereign members of the American Union, without asking permission of Mexico or of the monarchies of Europe, the fact is worth volumes of argument in explaining the duty of those who are struggling to maintain a system of government founded on the will and controlled by the authority of the people.

The United States did not seek to influence the action of Texas, whose free will first proposed the measure of annexation. On the contrary, history will record the event as new in the annals of nations, that the United States, avoiding the practice of almost all the great powers of the world, maintained a position on this question so subordinate to the sentiment of respect for even the prejudices of Mexico, that they for many years refused to consider it; nor did they sanction the measure at last, until it became apparent that its longer postponement would inflict an injury upon both Texas and themselves, which could not be reconciled with a sincere desire to sustain the republican cause. Yet no sooner in this measure, so long delayed, and decided upon, after being subjected to all the tests which could free it from misapprehension and prejudice, brought within the reach of the people of the two countries, and with a unanimity on the part of Texas almost entire, then she is told she must abandon it, or otherwise take the alternative of a war; for such substantially is the proposition now brought forward under the auspices of the French and English governments, by which Mexico at length agrees to recognize the independence of Texas, provided she will bind herself not to change her separate nationality.—*Ibid p. 58-9.*

Acceptance by the Texan Congress of the joint resolution of annexation:

Whereas the government of the United States hath proposed the following terms, guarantees, and conditions on which the people and territory of the republic of Texas may be erected into a new State, to be called

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the State of Texas, and admitted as one of the States of the American Union, to-wit:

(Here follows the first two sections of the joint resolution of the Congress of the United States.)

And whereas, by said terms, the consent of the existing government of Texas is required; therefore,

Be it resolved by the Senate and House of Representatives of the Republic of Texas in Congress assembled, That the government of Texas doth consent that the people and territory of the Republic of Texas may be erected into a new State, to be called the State of Texas, with a republican form of government, to be adopted by the people of said Republic by deputies in convention assembled, in order that the same may be admitted as one of the States of the American Union; and said consent is given on the terms, guarantees, and conditions set forth in the preamble to this joint resolution.

Sec. 2. Be it further resolved, That the proclamation of the President of the Republic of Texas, bearing date May fifth, eighteen hundred and forty-five, and the election of deputies to sit in convention at Austin on the fourth day of July next, for the adoption of a constitution for the State of Texas, had in accordance therewith, hereby receives the consent of the existing government of Texas.

Sec. 3. . . . —*Ibid p. 76.*

The convention of Texas called to consider the question of annexation passed the following:

Whereas the Congress of the United States of America has passed resolutions providing for the annexation of Texas to that Union, which resolutions were approved by the President of the United States on the first day of March, one thousand eight hundred and forty-five; and whereas the President of the United States has submitted to Texas the first and second sections of the said resolution, as the basis upon which Texas may be admitted as one of the Strtes of the said Union, and whereas the existing government of the Republic of Texas has assented to the proposals thus made, the terms and conditions of which are as follows:

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(The first two sections of the joint resolutions of the Congress of the United States are here quoted.)

Now in order to manifest the assent of the people of this Republic, as required in the above recited portions of the said resolutions, we, the deputies of the people of Texas, in convention assembled, in their name, and by their authority, do ordain and declare, that we assent to and accept the proposals, conditions, and guarantees contained in the first and second sections of the resolution of the Congress of the United States aforesaid. . . . —*Ibid p. 86.*

Notification and transmittal of the constitution of Texas.

Sir: Under the instructions of the honorable convention, I have the honor herewith to transmit to your excellency the enclosed authenticated copy of the constitution of the State of Texas, adopted in convention on the 27th inst. [1845.]

It is confidently expected that this constitution will be almost unanimously adopted by the people of Texas; and in sending it on, for the action of your government, they sincerely desire that it may meet with the approbation of the same, and, upon the final action of the United States Congress thereon, Texas may be admitted as one of the States of the great American Union.—*Ibid p. 104.*

May 16, 1844, Mr. Benton [Mo.] spoke in part as follows:

Having shown the effect of the treaty on the Rio Grande frontier, Mr. Benton took up the treaty itself, under all its aspects and in its whole extent, and assumed four positions in relation to it, namely:

1. That the ratification of the treaty would be, of itself, war between the United States and Mexico.
2. That it would be unjust war.
3. That it would be war unconstitutionally made.
4. That it would be war upon a weak and groundless pretext. . . .

It is now my purpose, Mr. President, to show that all this movement, which is involving such great and seri-

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ous consequences, and drawing upon us the eyes of the civilized world, is bottomed upon a weak and groundless pretext, discreditable to our government, and insulting, and injurious to Great Britain. We want Texas —that is to say, the Texas of La Salle; and we want it for great national reasons, obvious as day and permanent as nature. We want it because it is geographically appurtenant to our division of North America, essential to our political, commercial, and social system, and because it would be detrimental and injurious to us to have it fall into the hands or to sink under the domination of any foreign power. For these reasons, I was against sacrificing the country when it was thrown away—and thrown away by those who are now so suddenly possessed of a fury to get it back. For these reasons, I am for getting it back whenever it can be done with peace and honor, or even at the price of just war against any intrusive European power; but I am against all disguise and artifice—against all pretexts—and especially against weak and groundless pretexts, discreditable to ourselves, offensive to others, too thin and shallow not to be seen through by every beholder, and merely invented to cover unworthy purposes. I am against the inventions which have been brought forward to justify the secret concoctions of this treaty, and its sudden explosion upon us, like a ripened plot, and a charged bomb, forty days before the conventional nomination of a presidential candidate, In looking into this pretext I shall be governed by the evidence alone which I shall find upon the face of the papers, regretting that the resolution which I have laid upon the table for the examination of persons at the bar of the Senate, has not yet been adopted.—*Congressional Globe, 1843-44, Appendix, pp. 476, 479.*

The arguments for annexation are well set forth in this speech:

The people of South Carolina, Georgia, Alabama, Louisiana, Mississippi, Tennessee, Arkansas, and the Territory of Florida, will have to prepare for the crisis. They, of all others, are most interested in the acquisition of Texas; and let them not be beguiled with the

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syren song of peace, when there is no peace for them. Let them gird on their armor, and be ready for the worst. For one, Mr. Belser [Ala.] was for the treaty now, and as it is. He did not desire to see a single sentence abstracted from it. It was a plain document, easy to be understood. Honorable gentlemen might say that they were in favor of annexing Texas, but against the treaty. To believe such declarations would require too much "generous confidence." Are you for it or against it? is the proper inquiry. If you are in favor of Texas, cease your objections about the accompanying correspondence, and march up to the main issue. The people are not casuists; they are for plain, honest, fair legislation. They are tired of President making, and more especially when their most pressing interests are made subservient to it. *Political idolatry is the bane of this Republic.*

And the abolitionists have no just reason for objecting to *immediate* annexation. If they are sincere in their opposition to slavery, the *further* it is removed from them the better. Like the law of merchandise, the slaves of the South will find their way to the best market, and wherever the lands are most fertile, there that market will be. Slavery now exists in Texas; and surely, to add Texas to the United States would not change its real character, or in any way increase it. To acquire Texas would be to *diffuse* slavery, and to remove most of that population from Missouri, Kentucky, Maryland, Virginia. In the course of time, a slave State or two might grow out of the annexation, but under the compact we are as much entitled to *such States* as the people beyond a certain limit are to *non-slaveholding States.*

Lastly, Mr. Belser would more immediately consider the advantages to be derived from annexing Texas to the United States.

It would open a new field to our adventurous population, and bring into requisition a large territory, remarkable for climate, fertility, its abundance of game, and everything else calculated to gladden the heart of man.

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It would give additional stimulus to agriculture, commerce, and manufactures. Texas now raises about one hundred thousand bales of cotton, worth some four millions of dollars, and this is the basis of her exports. Annex her to the United States, and in a few years hence her cotton crop would double in amount. . . .

It is important in a military point of view. Give Great Britain possession of Texas, and you place her in command of the Gulf, and the whole of Mexico, from whence she can, if necessary, obtain provisions and men; you likewise give her control over our frontier, and facilities for exciting the servile population of the South, and the Indians of the West. *National security requires that Great Britain be kept out of Texas.*

It would return to the United States her natural boundaries and give her full command of her western waters. It would prevent smuggling by land, and by sea, the natural result of a protective tariff. If Great Britain ever obtains Texas, and adopts a system of free trade, protection would soon become a by-word; for, to use the language of another, "a cordon of revenue officers, backed by the whole military arm of the government, could not protect our southwestern frontier."

It would check border wars, and prevent the hostile tribes from committing merciless butcheries on unoffending women and children. It is larger than France; and the money to be paid for it would soon be returned. No country ever refused such a boon.

It would be bringing into the Union a daughter of the *pure* blood—an *heir* to the inheritance of freedom, and be adding a *lustrous* gem to the American diadem.

. . .

What we have already witnessed on this subject is but the beginning of the excitement. The question of Texian annexation cannot die. The silence which at this time prevades some portions of the Union in regard to it, is like unto that which precedes the earthquake. Senators may reject the treaty, but the treaty in the end *will reject them*. The flame is not to be extinguished. Texas is ours, and no government can deprive a mother of such a daughter. Her constitution, laws, religion, language, and kindred, are a part of our

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own; and those whom God has thus united let not nations put asunder. Great Britain may attempt again to *cajole* her into a fatal embrace, but, while we remain true to our obligations, she will turn from the *wiles* of the harlot with *increased* indignation.—*Congressional Globe, 1843-44, Appendix, pp. 525-26.*

Mr. Buchanan [Penn.] argues, in part, as follows:

Mr. President: The present is a question of transcendent importance. For weal or for woe, for good or for evil, it is more momentous than any question which has been before the Senate since my connection with public affairs. To confine the consequence of our decision to the present generation would be to take a narrow and contracted view of the subject. The life of a great nation is not to be numbered by the few and fleeting years which limit the period of man's existence. The life of such a nation must be counted by centuries and not by years. "Nations unborn and ages yet behind" will be deeply affected in their moral, political, and social relations by the final determination of this question. Shall Texas become a part of our glorious confederacy; shall she be bone of our bone and flesh of our flesh; or shall she become our dangerous and hostile rival? Shall our future history and that of hers div rge more and more from the present point and exhibit those mutual jealousies and wars, which according to the history of the world, have ever been the misfortune of neighboring and rival nations; or shall their history be blended together in peace and harmony? These are the alternatives between which we must decide. . . .

Now sir, annex Texas to the United States, and we shall have within the limits of our broad confederacy all the favored cotton growing regions of the earth. England will then forever remain dependent upon us for the raw material of her greatest manufacture, and an army of one hundred thousand men would not be so great a security for preserving the peace between the two nations as this dependence.—*Congressional Globe, 1843-44, Appendix pp. 721-21.*

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Woodbury [New Hampshire] spoke in these words:

If I understand the substance of all the objections to the ratification of the present treaty, whether expressed in resolutions or debate, it is this:

First, that the government of the United States does not possess the constitutional right or power to purchase Texas, and admit her people into the Union. Next, that the present government of Texas alone has not the right or competency to make such a cession of her territory and sovereignty. And, finally that it is not our duty at present to complete the cession, even were the right on both sides clear.

This seems to me to be the whole case, when stripped of details and perplexing appendages. I shall examine these positions separately, and I trust with that fairness and dispassionate spirit which belong to a question so momentous to our own country, as well as a sister republic—a question, too, on which I speak as the organ of no administration or party, but above and beyond them all, as an independent Senator, of an independent State, and trying to regard her interests, and those of the whole Union, in the long vista of the future, no less than at the present moment.

Some deny the constitutional power to purchase any territory situated without our original limits; while others deny not only that, but the power, at any time, to admit such territory and inhabitants into the Union as States.

Both of these powers have been exercised in the cases of buying Louisiana and the Floridas, and afterwards of admitting the three States of Louisiana, Arkansas and Missouri, carved out of the former territory.

They have, therefore, long been regarded as settled questions, till the opposition to them in this chamber, by the senators from New Jersey, Massachusetts, and Rhode Island (Messrs. MILLER, CHOATE, and SIMMONS) has burst forth with such vehemence, that it may be well to advert to a few principles and authorities in their support.

I do this the more readily, as the pretence that such a purchase and admission into the Union are unconsti-

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tutional, is the only plausible justification for the otherwise treacherous or fanatical cry of Disunion, which so often deafens our ears. That cry originated on an occasion almost identical with this, when the act for admitting Louisana as a State, in 1811, was pending.—*Congressional Globe, Appendix, p. 760.*

William Lloyd Garrison, at an Anti-Texas convention, in Faneuil Hall, Jan. 29, 1845, used this language:

That, in view of the fact that two branches of the government have already declared their wish and concurrence in the project of annnexation, we deem it our duty distinctly to declare what ought to be, and what we have faith to believe will be, the course of Massachusetts, should the infamous plan be consummated. Deeming the act utterly unconstitutional and void, we declare that the people of this commonwealth will never submit to it as the law of the land, but look upon the Union as dissolved, and proceed to form a new government for herself and such of the free states as will aid her in carrying out the great purposes of our fathers in behalf of civil liberty. And we call upon the several towns of the commonwealth, whenever the President shall announce that Texas is annexed to this Union, immediately to assemble and choose delegates for a second session of this convention, which shall take measures for the formation of a new Union with such States as do not tolerate domestic slavery—the Union of 1789 having then ceased to exist.—*Life of Wm. Lloyd Garrison, Vol. III, p. 133.*

Again, Sept. 22, 1845, he says:

"Sir," he said, "I know how nearly alone we shall be. An overwhelming majority of the whole people are prepared to endorse this horrible deed of Texan annexation. The hearts of the few who hate it are giving way in despair; the majority have got the mastery. Shall we therefore retreat, acknowledge ourselves conquered, and fall into the ranks of the victors? Shall we agree that it is idle, insane, to contend for the right any longer? . . .

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"But who are we," will men ask, "that talk of such things? Are we enough to make a revolution? No, sir; but we are enough to *begin* one, and, once begun, it never can be turned back. I am for rĕvolution, were I utterly alone. I am there because I *must* be there. I must cleave to the right, I cannot choose but obey the voice of God. Now, there are but few who do not cling to their agreement with hell, and obey the voice of the devil. But soon the number who shall resist will be multitudinous as the stars of heaven. . . .

"I thank God that, as has been stated by you, Sir, we stand on common ground here today. I pray God that party and sect may not be remembered. I trust the only question we shall feel like asking each other is, are we prepared to stand by the cause of God and Liberty, and to have NO UNION WITH SLAVEHOLDERS?" —*Ibid p. 140-41.*

Extracts from J. Q. Adams' memoirs:

H. R. U. S. I presented twelve petitions and remonstrances against the admission of Texas into the Union. Many others were presented by other members. [Sept. 1837.]

. . . I therefore took my manuscript back with me, and at last finished my letter to Dr. Channing—the most carelessly written of any letter that I ever wrote. It is upon the question concerning the annexation of Texas to this Union—a question of far deeper root and more overshadowing branches than any or all others that now agitate this country. . . .

. . . Dr. Channing's letter enquires of me what is the present aspect here of the Texan annexation question. I have answered him what it has been, what it is, what it will be. My answer is a letter to posterity, which will reach its address. [Nov. 1837.]—*Adams' Memoirs, IX p. 379, 431.*

Thompson replied, insisting upon the claim of the people of the South to the annexation of Texas to preserve the balance of power, especially in the Senate.—*Ibid, X., p. 11.*

There is now a rumor that Great Britain has offered Texas to mediate for her independence with Mexico, on

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condition that Texas shall abolish slavery. . . . —*Ibid, XI, p. 356.*

22d. This was a memorable day in the annals of the world. The treaty for the annexation of Texas to this Union was this day sent in to the Senate; and with it went the freedom of the human race. . . .

At the same time, the treaty for the annexation of Texas to the United States, with the President's message transmitting it to the Senate, and the accompanying documents, prematurely published, and the conflicting opinions of the leading men of the Union, disclosed in letters and speeches at public meetings, all indicate the immediate crisis of a great struggle between slavery and freedom throughout the world. I must retire from this contest, or perish under it, probably before the close of the present year, or even of the present session of Congress. The issue is precipitated by its bearing on the approaching presidential election. It is John Tyler's last card for a popular whirlwind to carry him through; and he has played it with equal intrepidity and address. He has compelled Clay and Van Buren to stake their last chance upon opposition to the measure *now*, and has forced himself upon the whole Democracy as their exclusive candidate for the Presidency next December. . . .

This Texan annexation we deem the turning point of a revolution which transforms the North American Confederation into a conquering and war-like nation. Aggrandizement will be its passion and its policy. A military government, a large army, a costly nation, distant colonies, and associate islands in every sea, will follow of course in rapid succession. A President for for four years will be a laughing-stock. A Captain-General for life, and a Marshal's truncheon for a sceptre, will establish the law of arms for the Constitution, and the skeleton forms of war and slavery will stalk unbridled over the land. Blessed God, deliver us from this fate!—*Ibid XII, p. 13, 14, 22, 57.*

Webster writes as follows:

In the first place, I have, on the deepest reflection, long ago come to the conclusion, that it is of very dan-

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gerous tendency and doubtful consequences to enlarge the boundaries of this country, or the territories over which our laws are now established. There must be some limit to the extent of our territory, if we would make our institutions permanent. And this permanency forms the great subject of all my political efforts, the paramount object of my political regard. The government is very likely to be endangered, in my opinion, by a further enlargement of the territorial surface, already so vast, over which it is extended.

In the next place, I have always wished that this country should exhibit to the nations of the earth the example of a great, rich, and powerful republic, which is not possessed by a spirit of aggrandizement. It is an example, I think, due from us to the world, in favor of the character of republican government.

In the next place, Sir, I have to say, that while I hold, with as much integrity, I trust, and faithfulness, as any citizen of this country, to all the original arrangements and compromises under which the Constitution under which we now live was adopted, I never could, and never can, persuade myself to be in favor of the admission of other States into the Union as slave States, with the inequalities which were allowed and accorded by the Constitution to the slave-holding States then in existence. I do not think that the free States ever expected, or could expect, that they would be called on to admit more slave States, having the unequal advantages arising to them from the mode of apportioning representation under the existing Constitution.

. . .

. . . I certainly did, as a private citizen, entertain a strong feeling that, if Texas were to be brought into the Union at all, she ought to be brought in by diplomatic arrangements, sanctioned by treaty. But it has been decided otherwise by both houses of Congress; and, whatever my own opinions may be, I know that many who coincided with me feel themselves, nevertheless, bound by the decision of all branches of the government. My own opinion and judgment have not been at all shaken by any thing I have heard. . . .
—*Webster's Works, Vol. V, pp. 56, 57, 59.*

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President John Tyler to Henry A. Wise.

Texas was the great scheme that occupied me. The delegates to the Democratic convention, or a very large majority of them, had been elected under implied pledges to sustain Van Buren. After his letter, repudiating annexation, a revulsion had become obvious, but how far it was to operate it was not possible to say. A majority of the delegates at least were believed still to remain in his favor. If he was nominated, the game to be played for Texas was all as one over. What was to be done?

My friends advised me to remain at rest, and take my chances in the Democratic convention. It was impossible to do so. If I suffered my name to be used in that convention, then I became bound to sustain the nomination, even if Mr. Van Buren was the nominee. This could not be. I chose to run no hazard, but to raise the banner of Texas, and convoke my friends to sustain it. This was but a few weeks before the meeting of the convention. To my surprise, the notice which was thus issued brought together a thousand delegates, and from every State in the Union. Many called on me on their way to Baltimore to receive my views. My instructions were, "Go to Baltimore, make your nomination, and then go home and leave the thing to work its own results." I said no more, and was obeyed. The Democratic convention felt the move. A Texan man or defeat was the choice left—and they took a Texan man. My withdrawal at a suitable time took place, and the result was soon before the world. I acted to ensure the success of a great measure, and I acted not altogether without effect. In so doing, I kept my own secrets; to have divulged my purposes would have been to have defeated them.—*Life and Times of the Tylers, Vol. II, p. 317.*

Jackson writes, Sept. 2, 1844, concerning the action of Tyler as follows:

Dear Sir: Your private letter of the 20th ultimo has been received, and I have read it with pleasure. The withdrawal of Mr. Tyler from the canvass will be duly

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appreciated by all the Jeffersonian Republicans, and in the end redound to his popularity and free him from all selfish views which his enemies have been imputing to him in his patriotic endeavors to reannex Texas to the United States—the most important question, as it relates to the defense, the security, and safety of the most important interests of the whole Union that has ever been presented to us. If it is a great national, and not a party question.—*Ibid, p. 341.*

. . . I regard the preservation of the Union as the first great American interest. I equally disapprove of all threats of its dissolution, whether they proceed from the North or South. The glory of my country, its safety and its prosperity, alike depend on Union; and he who would contemplate its destruction, even for a moment, and form plans to accomplish it, deserves the deepest anathemas of the human race.

I believed, and still believe, that the annexation of Texas would add to its strength, and serve to perpetuate it for ages yet to come; and my best efforts, while I remain in office, will be directed to securing its acquisition, either now or at a future day. . . . —*Ibid p. 349.*

Giddings, on the 5th of January, 1846, discusses the annexation of Texas. His remarks illustrate well the attitude of the extreme anti-slavery men of the North: He said, in part:—

"It is the annexation of Texas that has rendered the whole of Oregon necessary to restore that balance of power. By the annexation of Texas the Slave States now have a majority in the Senate. They will continue to retain that majority unless we add territory to our northwestern border. By the annexation of Texas the protection of the free labor of the North has been surrendered to the control of the slave-power. Our constitutional rights and the honor of our Free States are delivered over to the keeping of slaveholders. . . . No, Mr. Speaker, it becomes us to act like men, to look our difficulties in the face, and to pursue the best mode

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of retrieving the advantages that have been thrown away. That can only be done by restoring the balance of power by adding new States at the West and Northwest. To admit new States on that border, we must have the territory out of which such States may be formed.

"But Southern gentlemen—whose voices at the last session were heard, loud and long, in favor of Texas and the *whole of Oregon*—now see a lion in the way. They were then chivalrous; now they are all for peace. Then they waxed valiant; now they 'roar you as gently as any sucking dove.' But a year ago their motto was '*now or never*;' at this time '*a masterly inactivity*' is their maxim. Last year they spoke in strains of fervid eloquence of the glory of extending the American sway over new territory, and of adding new States to our brilliant constellation: now they call upon their Northern friends to stop this mad career of extending the power of our Government, and to leave the political control of the nation in their hands for a few years, until Great Britain shall quietly give up her claims to that territory. They have suddenly called to mind the declaration of British statesmen that 'a war with the United States will be a war of emancipation.' They see in prospect the black regiments of the British West India islands landing among them, and their slaves flocking to the enemy's standard. Servile insurrections torment their imaginations. Rapine, blood, and murder dance before their affrighted vision. They are now seen in every part of the hall, calling on Whigs and Democrats to save them from the dreadful consequences of their own policy. Well, sir, I reply to them, this is *your* policy, not ours; *you* have forced us into it against our will and our utmost opposition; you have prepared the poisoned chalice, and we will press it to your lips until you swallow the very dregs."

QUESTIONS.

(1) In what two ways might the President have acted in securing the annexation of Texas? (2) Which way did he choose? (3) Can you find out why he chose the first method? (4) What conditions were to be imposed on Texas if she came into the Union? (5) How many

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States might be formed out of Texas territory? (6) What slavery limitations were established? (7) Who was President when Texas was admitted into the Union? (8) What forces brought about the annexation? (9) Do all the persons quoted agree in regard to the reasons for annexation? (10) Make a list to show the reasons for annexation; against annexation.

(1) How were slavery and annexation coupled? (2) Summarize the arguments of Mr. Donelson for annexation. (3) Which one does he make most prominent? (4) See if you can find out if there was any truth in it. (5) Give the steps taken by Texas in ratifying the annexation. (6) State the views of Mr. Benton. (7) Give the arguments of Mr. Belser; (8) of Mr. Buchanan; (9) of Mr. Woodbury. (10) Summarize all their arguments.

(1) What do you think of Wm. Lloyd Garrison's views? (2) Why did he take such radical ground? (3) What action did he propose? (4) Have any of J. Q. Adams' predictions been fulfilled? (5) What position did he take on expansion? (6) How did Webster stand on annexation? (7) What the reasons for his position? (8) Find out to which party Webster, Adams, etc., belonged. (9) Find out to which Buchanan, Woodbury, Belser, etc. (10) Compare the views of the two sides. (11) Write a paper on the annexation of Texas. (12) Make a map to show the area of Texas at time of annexation.

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CALIFORNIA AND NEW MEXICO

Mexican cession, 1848. Area, 522,568 square miles. Gadsden purchase, 1853. Area, 45,535 square miles. Cost—principal, $25,000,000. Attempts to purchase, 1845. "Bear Flag" Republic, 1846. "Wilmot Proviso" struggle, 1846–1847. California gold, 1848. Free State Constitution formed, 1849. Admitted, 1850. New Mexico and Utah made territories, 1850, with popular sovereignty doctrine applied.

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CHAPTER VII

ANNEXATION OF CALIFORNIA AND NEW MEXICO

The outcome of the annexation of Texas—the subject of our last study—was the war with Mexico. At the close of the struggle a vast area of new territory was annexed to the United States—obtained in part by conquest and in part by purchase. Few events in our history were more seriously and strenuously discussed at the time, and perhaps fewer still have proved more momentous in their results. The question was discussed from the standpoint of constitutionality to some extent, but to a far greater extent from that of expediency. The question of annexation did not prove as difficult to settle however, as the issue which followed—what should be the institutions of the annexed territories. This subject was before congress and the people constantly for four years, from 1846, even before any territory was acquired to be governed—to 1850 when it was finally temporarily settled by the compromise of 1850. The final question however was only solved in the bloody throes of war from 1861 to 1865.

A part of the next chapter will be concerned with the settlement of this question, while a

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part will be given to the Oregon boundary dispute. In the present chapter material will be found to show the area acquired, the cost in part, and the main arguments for and against the annexation.

Extract from President Polk's Message of Dec. 8, 1846.

. . . Such is the history of the wrongs which we have suffered and patiently endured from Mexico through a long series of years. So far from affording reasonable satisfaction for the injuries and insults we had borne, a great aggravation of them consists in the fact, that while the United States, anxious to preserve a good understanding with Mexico, have been constantly, but vainly, employed in seeking redress for past wrongs, new outrages were constantly occurring, which have continued to increase our causes of complaint and to swell the amount of our demands. While the citizens of the United States were conducting a lawful commerce with Mexico under the guaranty of a treaty of "amity, commerce, and navigation," many of them have suffered all the injuries which would have resulted from open war. This treaty, instead of affording protection to our citizens, has been the means of inviting them into the ports of Mexico, that they might be, as they have been in numerous instances, plundered of their property and deprived of their personal liberty if they dared to insist on their rights. Had the unlawful seizures of American property, and the violation of the personal liberty of our citizens, to say nothing of the insults to our flag which have occurred in the ports of Mexico, taken place on the high seas, they would themselves long since have constituted a state of actual war between the two countries. In so long suffering Mexico to violate her most solemn treaty obligations, plunder our citizens of their property, and imprison their persons without affording them any redress, we have failed to perform one of the first and

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highest duties which every government owes to its citizens; and the consequence has been, that many of them have been reduced from a state of affluence to bankruptcy. The proud name of American citizen, which ought to protect all who bear it from insult and injury throughout the world, has afforded no such protection to our citizens in Mexico. We had ample cause of war against Mexico long before the breaking out of hostilities. But even then we forbore to take redress into our own hands, until Mexico herself became the aggressor by invading our soil in hostile array and shedding the blood of our citizens.

Such are the grave causes of complaint on the part of the United States against Mexico—causes which existed long before the annexation of Texas to the American Union; and yet, animated by the love of peace, and a magnanimous moderation, we did not adopt those measures of redress which, under such circumstances, are the justified resort of injured nations.

The annexation of Texas to the United States constituted no just cause of offence to Mexico. The pretext that it did so is wholly inconsistent and irreconcilable with well authenticated facts connected with the revolution by which Texas became independent of Mexico. That this may be the more manifest, it may be proper to advert to the causes and to the history of the principal events of that revolution. . . . —*Richardson, Messages and Documents of the Presidents, Vol. IV., pp. 478, 479.*

The war has not been waged with a view to conquest; but having been commenced by Mexico, it has been carried into the enemy's country, and will be vigorously prosecuted there, with a view to obtain an honorable peace, and thereby secure ample indemity for the expenses of the war, as well as to our much injured citizens, who hold large pecuniary demands against Mexico.

By the laws of nations a conquered territory is subject to be governed by the conqueror during his military possession, and until there is either a treaty of peace, or he shall voluntarily withdraw from it. The

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old civil government being necessarily superseded, it is the right and duty of the conqueror to secure his conquest, and to provide for the maintenance of civil order and the rights of the inhabitants. This right has been exercised, and this duty performed, by our military and naval commanders, by the establishment of temporary governments in some of the conquered provinces in Mexico, assimilating them as far as practicable to the free institutions of our own country. In the provinces of New Mexico and of the Californias, little if any further resistance is apprehended from the inhabitants to the temporary governments which have thus, from the necessity of the case, and according to the laws of war, been established. It may be proper to provide for the security of these important conquests by making an adequate appropriation for the purpose of erecting fortifications and defraying the expenses necessarily incident to the maintenance of our possession and authority over them.—*Ibid, p. 494.*

The following preamble and resolutions framed by the legislature of Vermont, make interesting reading:—

Whereas, in our judgment, the existing war with Mexico was not founded in any imperative necessity, such as may justify a Christian nation for resorting to arms, and has now manifestly become an offensive war against a neighboring republic; and whereas we have just grounds for anticipating that the territory which has been, or may be occupied or conquered, will become slave territory, and, as such, claim admission to the Union; and whereas its admission as such, and with a mixed population, degraded by ignorance and superstition, and allied to us neither in interests, character, nor language, will endanger the harmony, welfare, and perpetuity of the Union: therefore,

Be it resolved by the Senate and House of Representatives, That the honor and best interests of the nation will be subserved by a speedy end of the war with Mex-

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ico, and a settlement of all matters in dispute by arbitration or negotiation.

Resolved, That Vermont will not give its countenance, aid, or assent to the admission into the federal Union of any new State whose Constitution tolerates slavery; and does hereby appeal to each of her sister States to concur, in its own name, in this declaration.

Resolved, That the Senators and Representatives in Congress from Vermont will conform to the hearty wishes of their constituents by earnestly supporting the principles set forth in the foregoing preamble and resolutions, and in using all other just, effectual, and constitutional means to avert the tremendous evils of slavery, and resist its encroachments upon the rights and interests of the non-slaveholding states.

Resolved, That his excellency the governor be requested to forward a copy of these resolutions to the governor of each State in the Union, and to our Senators and Representatives in Congress, under the seal of the State, and with his signature of approval.

Approved Nov. 3, 1846.

Executive Documents, 2nd Session, 29th Congress, Document No. 81.

An extract from a series of resolutions passed by the legislature of Rhode Island, January 6, 1847, throws additional light on the opinions of the time:—

. . . We protest, therefore, against the acquisition of territory, by conquest or otherwise, beyond the present limits of the United States, for the purpose of establishing therein slaveholding States, as deranging the balance of political power once so happily established between our confederated communities, and as manifestly in violation of the spirit and interest of the constitution. We protest against the introduction of slaves, upon any terms, into any territory of the United States, whether of old or recent acquisition, where slavery does not exist or has not immemorially existed; and we hold, that so far from aiming to extend an institution like

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slavery over a wider territory than is now pervaded by it, it is clearly the interest, no less than the duty of the slaveholding States, to circumscribe its operations within their own limits, and to provide, if possible, the means of its gradual extinguishment whenever public sentiment will permit it. . . .

Resolved, That, holding these opinions of the origin of our war with Mexico, and deeming a war of conquest inconsistent with the genius of our institutions, and destructive of their freedom and permanency, we instruct our Senators and request our Representatives in Congress to press upon the Executive department, on all proper occasions, the necessity of frank and equitable overtures to that republic for the re-establishment of peace, and to favor in their own bodies all acts and declarations which may promote that end, consistently with a due observance of the rights, claims, and reputation of the United States.—*Ibid*, *Document* 85.

The Virginia resolutions of Febr. 13, 1847, show that the States were not a unit in opinion in regard to the justice of the war:—

WHEREAS, There are occasions of absorbing interest and great peril in the history of every people deeply involving their peace, prosperity, and happiness, and this General Assembly believing that such a crisis has arrived in our country as to call forth an expression of public sentiment, do hereby declare that a free and full expression of opinion on the great question of peace and war, which now agitates this Union, is demanded by the public weal.

Resolved, That the present war with the republic of Mexico, most unrighteously provoked on her part by a long series of acts of injustice and outrage towards the United States, presents such an occasion as requires the united action of all true friends of the country in enforcing a speedy and honorable termination of this war by a vigorous prosecution of hostilities.

Reso ved, That the thanks of this General Assembly are due, and are hereby cordially tendered, to the Pres-

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ident of the United States, for the justice, firmness, and eminent ability with which he has conducted the war with Mexico.—*Ibid, Document 97.*

Extracts from the treaty of peace with Mexico—the treaty of Guadalupe Hidalgo. Made Febr. 2; proclaimed, July 4, 1848:—

1 The boundary line between the two Republics shall commence in the Gulf of Mexico, three leagues from land, opposite the mouth of the Rio Grande, otherwise called Rio Bravo del Norte, or opposite the mouth of its deepest branch, if it should have more than one branch emptying directly into the sea; from thence up the middle of that river, following the deepest channel, where it has more than one, to the point where it strikes the southern boundary of New Mexico; thence, westwardly, along the whole southern boundary of New Mexico (which runs north of the town called Paso) to its western termination; thence, northward, along the western line of New Mexico, until it intersects the first branch of the river Gila; (or if it should not intersect any branch of that river, then to the point on the said line nearest to such branch, thence in a direct line to the same;) thence down the middle of the said branch and of the said river, until it empties into the Rio Colorado; thence across the Rio Colorado, following the division line between Upper and Lower California, to the Pacific Ocean. . . .

2 In order to designate the boundary line with due precision, upon authoritative maps, and to establish upon the ground land-marks which shall show the limits of both republics, as described in the present article, the two Governments shall each appoint a commissioner and a surveyor, who, before the expiration of one year from the date of the exchange of ratifications of this treaty, shall meet at the port of San Diego, and proceed to run and mark the said boundary in its whole course to the mouth of the Rio Bravo del Norte. . . .

3 Those [inhabitants] who shall prefer to remain in the said territories may either retain the title and rights of

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Mexican citizens, or acquire those of citizens of the United States. But they shall be under the obligation to make their election within one year from the date of the exchange of ratifications of this treaty; and those who shall remain in the said territories after the expiration of that year, without having declared their intention to retain the character of Mexicans, shall be considered to have elected to become citizens of the United States. . . .

4 The Mexicans who, in the territories aforesaid, shall not preserve the character of citizens of the Mexican Republic, conformably with what is stipulated in the preceding article, shall be incorporated into the Union of the United States, and be admitted at the proper time (to be judged by the Congress of the United States) to the enjoyment of all the rights of citizens of the United States, according to the principles of the Constitution; and in the meantime, shall be maintained and protected in the free enjoyment of their liberty and property, and secured in the free exercise of their religion without restriction.

5 In consideration of the extension acquired by the boundaries of the United States, as defined in the fifth article of the present treaty, the Government of the United States engages to pay to that of the Mexican Republic the sum of fifteen millions of dollars.—*Public Treaties, Edition 1875, pp. 494, 495, 496, 497.*

Extracts from a speech of Daniel Webster, March 1, 1847, in the Senate, on the Mexican War:

. . . In their [Whigs] judgment it is due to the best interests of the country, to its safety, to peace and harmony, and to the well-being of the Constitution, to declare at once, to proclaim now, that we desire no new States, nor territory to form new States out of, as the end of conquest. For one, I enter into this declaration with all my heart. We want no extension of territory, we want no accession of new States. The country is already large enough. I do not speak of any cession

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which may be made in the establishment of boundaries, or of the acquisition of a port or two on the Pacific, for the benefit of navigation and commerce. But I speak of large territories, obtained by conquest, to form States to be annexed to the Union; and I say I am opposed to such acquisition altogether. I am opposed to the prosecution of the war for any such purpose.

But, Sir, to speak more seriously, this war was waged for the object of creating new States, on the southern frontier of the United States, out of Mexican territory, and with such population as could be found resident thereupon. I have opposed this object. I am against all accessions of territory to form new States. And this is no matter of sentimentality, which I am to parade before mass meetings or before my constituents at home. It is not a matter to me of declamation, or of regret, or of expressed repugnance. It is a matter of firm, unchangeable purpose. I yield nothing to the force of circumstances that have occurred, or that I can consider as likely to occur. And therefore I say, Sir, that, if I were asked to-day whether, for the sake of peace, I would take a treaty for adding two new States to the Union on our southern border, I would say, No! distinctly, No! And I wish every man in the United States to understand that to be my judgment and my purpose.

I said upon our *southern* border, because the present proposition takes that locality. I would say the same of the western, the northeastern, or of any other border. I resist, to-day and forever, and to the end, any proposition to add any foreign territory, south or west, north or east, to the States of this Union, as they a e constituted and held together under the Constitution. I do not want the colonies of England on the north; and as little do I want the population of Mexico on the south. I resist and reject all, and all with equal resolution. Therefore I say, that, if the question were put to me to-day, whether I would take peace under the present state of the country, distressed as it is, during the existence of a war odious as this is, under circumstances

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so afflictive as now exist to humanity, and so disturbing to the business of those whom I represent, I say still, if it were put to me whether I would have peace, with new States, I would say, No! no! And that because, Sir, in my judgment, there is no necessity of being driven into that dilemma. . . .

But we hear gentlemen say, We must have some territory, the people demand it I deny it; at least, I see no proof of it whatever I do not doubt that there are individuals of an enterprising character, disposed to emigrate, who know nothing about New Mexico but that it is f r off, and nothing about California but that it is still farther off, who are tired of the dull pursuits of agriculture and of civil life; that there are hundreds and thousands of such persons to whom whatsoever is new and distant is attractive They feel the spirit of borderers, and the spirit of a borderer, I take it, is to be tolerably contented with his condition where he is, until somebody goes to regions beyond him; and then he is all eagerness to take up his traps and go still farther than he who has thus got in advance of him. With such men the desire to emigrate is an irresistible passion. . . .

But it is said we must take territory for the sake of peace. We must take territory It is the will of the President. If we do not now take what he offers, we may fare worse. Mr. Polk will take no less, that he is fixed upon. He is immovable. He—has—put—down—his—foot! Well, Sir, he put it down upon "fifty-four forty," but it didn't stay. I speak of the President, as of all Presidents, without disrespect I know of no reason why his opinion and his will, his purpose, declared to be final, should control us, any more than our purpose, from equally conscientious motives, and under as high responsibilities, should control him. We think he is firm, and will not be moved. I should be sorry, Sir, very sorry, indeed, that we should entertain more respect for the firmness of the individual at the head of the government than we entertain for our own firmness. He stands out against us. Do we fear to stand out

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against him? For one, I do not. It appears to me to be a slavish doctrine. For one, I am willing to meet the issue, and go to the people all over this broad land. Shall we take peace without new States, or refuse peace without new States? I will stand upon that, and trust the people. And I do that because I think it is right, and because I have no distrust of the people. . . .

My first agency in matters of this kind was upon the proposition for admitting Texas into this Union. That I thought it my duty to oppose, upon the general ground of opposing all formation of new States out of foreign territory, and, I may add, and I ought to add in justice, of States in which slaves were to be represented in the Congress of the United States. I was opposed to this on the ground of its inequality. . . .

I say, Sir, that, according to my conscientious conviction, we are now fixing on the Constitution of the United States, and its frame of government, a monstrosity, a disfiguration, an enormity! Sir, I hardly dare trust myself, I don't know but I may be under some delusion. It may be the weakness of my eyes that forms this monstrous apparition. But, if I may trust myself, if I can persuade myself that I am in my right mind, then it does appear to me that we in this Senate have been and are acting, and are likely to be acting hereafter, and immediately, a part which will form the most remarkable epoch in the history of our country. I hold it to be enormous, flagrant, an outrage upon all the principles of popular republican government, and on the elementary provisions of the Constitution under which we live, and which we have sworn to support.

But then, Sir, what relieves the case from this enormity? What is our reliance? Why, it is that we stipulate that these new States shall only be brought in at a suitable time. And pray, what is to constitute the suitableness of time? Who is to judge of it? I tell you, Sir, that suitable time will come when the preponderance of party power here makes it necessary to bring in new States. Be assured it will be a suitable time when votes are wanted in this Senate. . . .

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Sir, we take New Mexico and California; who is weak enough to suppose that there is an end? Don't we hear it avowed every day, that it would be proper also to take Sonora, Tamaulipas, and other provinces of Northern Mexico? Who thinks that the hunger for dominion will stop here of itself? It is said, to be sure, that our present acquisition will prove so lean and unsatisfactory, that we shall seek no further. In my judgment, we may as well say of a rapacious animal, that if he has made one unproductive hunt, he will not try for a better foray. . . .

. . . Have they [the inhabitants of New Mexico and California] any notion of our institutions, or of *any* free institutions? Have they any notion of popular government? Not the slightest! Not the slightest on earth! When the question is asked, What will be their constitution? it is farcical to talk of such people making a constitution for themselves. They do not know the meaning of the term, they do not know its import. They know nothing at all about it; and I can tell you, Sir, that when they are made a Territory, and are to be made a State, such a constitution as the executive power of this government may think fit to send them will be sent, and will be adopted The constitution of our *fellow-citizens* of New Mexico will be framed in the city of Washington. .

Mr. President, for a good many years I have struggled in opposition to everything which I thought tended to strengthen the arm of executive power. I think it is growing more and more formidable every day. And I think that by yielding to it in this, as in other instances, we give it a strength which it will be difficult hereafter to resist. I think it is nothing less than the fear of executive power which induces us to acquiesce in the acquisition of territory; fear, *fear*, and nothing else.

In the little part which I have acted in public life, it has been my purpose to maintain the people of the United States, what the Constitution designed to make them, *one people*, one in interest, one in character, and one in political feeling. If we depart from that, we

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break it all up. What sympathy can there be between the people of Mexico and California and the inhabitants of the Valley of the Mississippi and the Eastern States in the choice of a President? Do they know the same man? Do they concur in any general constitutional principles? Not at all.

Arbitrary governments may have territories and distant possessions, because arbitrary governments may rule them by different laws and different systems. Russia may rule in the Ukraine and the provinces of the Caucasus and Kamtschatka by different codes, ordinances, or ukases. We can do no such thing. They must be of us, *part* of us, or else strangers.

I think I see that in progress which will disfigure and deform the Constitution. While these territories remain territories, they will be a trouble and an annoyance; they will draw after them vast expenses; they will probably require as many troops as we have maintained during the last twenty years to defend them against the Indian tribes. We must maintain an army at that immense distance. When they shall become States, they will be still more likely to give us trouble.

I think I see a course adopted which is likely to turn the Constitution of the land into a deformed monster, into a curse rather than a blessing; in fact, a frame of an unequal government, not founded on popular representation, not founded on equality, but on the grossest inequality; and I think that the process will go on, or that there is *danger* that it will go on, until this Union shall all to pieces. I resist it, to-day and always! Whoever falters or whoever flies, I continue the contest.

I know, Sir, that all the portents are discouraging. Would to God I could auspicate good influences! Would to God that those who think with me, and myself, could hope for stronger support! Would that we could stand where we desire to stand. I see the signs are sinister. But with few, or alone, my position is fixed. If there were time, I would gladly awaken the country. I believe the country might be awakened, although it may be too late. For myself, supported or unsupported, by

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the blessings of God, I shall do my duty I see well enough all the adverse indications. But I am sustained by a deep and a conscientious sense of duty; and while supported by that feeling; and while such great interests are at stake, I defy auguries, and ask no omen but my country's cause!—*Webster's Works, Vol. V., pp. 259, 280, 281, 282, 286, 292, 294, 297, 298, 299, 301*

Extracts from Calhoun's speech on the war with Mexico, Jan. 4, 1848:

. . He proposes, when they have thus formed a government, under the encouragement and protection of our army, to obtain peace by a treaty with the government thus formed, which shall give us ample indemnity for the past and security for the future. I must say I am at a loss to see how a free and independent republic can be established in Mexico under the protection and authority of its conquerors. I can readily understand how an aristocracy or a despotic government might be, but how a free republican government can be so established, under such circumstances, is to me incomprehensible. I had always supposed that such a government must be the spontaneous wish of the people; that it must emanate from the hearts of the people, and be supported by their devotion to it, without support from abroad. But it seems that these are antiquated notions, obsolete ideas, and that free popular governments may be made under the authority and protection of a conqueror.

But suppose the difficulties surmounted, how can we make a free government in Mexico? Where are the materials? It is to be, I presume, a confederated government like their former. Where is the intelligence in Mexico for the construction and preservation of such a government? It is what she has been aiming at for more than twenty years, but so utterly incompetent are her people for the task, that it has been a complete failure from first to last. . . .

The next reason assigned is, that either holding Mexico as a province, or incorporating her into the

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Union, would be unprecedented by any example in our history. We have conquered many of the neighboring tribes of Indians, but we have never thought of holding them in subjection, or of incorporating them into our Union. They have been left as an independent people in the midst of us, or been driven back into the forests. Nor have we ever incorporated into the Union any but the Caucasian race. To incorporate Mexico would be the first departure of the kind; for more than half of its population are pure Indians, and by far the larger portion of the residue mixed blood. I protest against the incorporation of such a people. Ours is the government of the white man. . . .

The next remaining reasons assigned, that it would be in conflict with the genius and character of our government, and, in the end, subversive of our free institutions, are intimately connected, and I shall consider them together.

That it would be contrary to the genius and character of our government, and subversive of our free popular institutions, to hold Mexico as a subject province, is a proposition too clear for argument before a body so enlightened as the Senate. You know the American constitution too well, you have looked into history, and are too well acquainted with the fatal effects which large provincial possessions have ever had on the institutions of free states, to need any proof to satisfy you how hostile it would be to the institutions of this country, to hold Mexico as a subject province. There is not an example on record of any free state holding a province of the same extent and population, without disastrous consequences. The nations conquered and held as a province, have, in time, retaliated by destroying the liberty of their conquerors, through the corrupting effect of extended patronage and irresponsible power. Such, certainly, would be our case. The conquest of Mexico would add so vastly to the patronage of this government, that it would absorb the whole powers of the States; the Union would become an imperial power, and the States reduced to mere subordinate corporations.

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But the evil would not end there; the process would go on, and the power transferred from the States to the Union, would be transferred from the Legislative Department to the Executive. All the immense patronage which holding it as a province would create,—the maintenance of a large army, to hold it in subjection, and the appointment of a multitude of civil officers necessary to govern it,—would be vested in him. The great influence which it would give the President, would be the means of controlling the Legislative Department, and subjecting it to his dictation, especially when combined with the principle of proscription which has now become the established practice of the government. The struggle to obtain the Presidential chair would become proportionately great—so great as to destroy the freedom of elections. The end would be anarchy or despotism, as certain as I am now addressing the Senate. . . .

Nor are the reasons less weighty against incorporating her into the Union. As far as law is concerned, this is easily done. All that is necessary is to establish a territorial government for the several States in Mexico,—of which there are upwards of twenty,—to appoint governors, judges, and magistrates, and to give to the population a subordinate right of making laws, we defraying the cost of the government. So far as legislation goes, the work will be done; but there would be a great difference between these territorial governments, and those which we have heretofore established within our own limits. These are only the offsets of our own people, or foreigners from the same countries from which our ancestors came. The first settlers in the territories are too few in number to form and support a government of their own, and are under obligation to the government of the United States for forming one for them, and defraying the expense of maintaining it; knowing, as they do, that when they have sufficient population, they will be permitted to form a constitution for themselves, and be admitted as members of the Union. During the period of their territorial government, no force is necessary to keep them in a state of subjection.

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The case will be entirely different with these Mexican territories; when you form them you must have powerful armies to hold them in subjection, with all the expenses incident to supporting them. You may call them territories, but they would, in reality, be but provinces under another name, and would involve the country in all the difficulties and dangers which I have already shown would result from holding the country in that condition. How long this state of things would last, before they would be fitted to be incorporated into the Union as States, we may form some idea, from similar instances with which we are familiar. . . .

But suppose this difficulty removed. Suppose their hostility should cease, and they should become desirous of being incorporated into our Union. Ought we to admit them? Are the Mexicans fit to be politically associated with us? Are they fit not only to govern themselves, but for governing us also? Are any of you, Senators, willing that your State should constitute a member of a Union, of which twenty odd Mexican States, more than one third of the whole, would be a part, the far greater part of the inhabitants of which are pure Indians, not equal in intelligence and elevation of character to the Cherokees, Choctaws, or any of our Southern Indian tribes? . . .

But of the few nations who have been so fortunate as to adopt a wise constitution, still fewer have had the wisdom long to preserve one. It is harder to preserve than to obtain liberty. After years of prosperity, the tenure by which it is held is but too often forgotten; and I fear, Senators, that such is the case with us. . . .

I have now shown, Senators, that the conquest of Mexico, and holding it as a subject province, or incorporating it into our Union, is liable to the many and irresistable objection assigned in the first resolution. . . . —*Calhoun, Works, Vol. IV, pp. 405, 410, 411, 412, 414, 415, 416, 417, 418.*

The following extracts from A. H. Stephens' speeches, in 1846, will show the attitude of the

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Southern Whigs on the subject of extension of territory:

. . "I am no enemy to the extension of our domain, or the enlargement of the boundaries of the Republic. Far from it. I trust the day is coming, and not far distant, when the whole continent will be ours; when our institutions shall be diffused and cherished, and republican government felt and enjoyed throughout the length and breadth of the land—from the far south to the extreme north, and from ocean to ocean. That this is our ultimate destiny, if wise counsels prevail, I confidently believe. But it is not to be accomplished by the sword. Mr. Chairman, republics never spread by arms. We can only properly enlarge by voluntary accessions, and should only attempt to act upon our neighbors by setting them a good example. In this way only is the spirit of our institutions to be diffused as the leaven until "the whole lump is leavened." This has been the history of our silent but rapid progress, thus far. In this way Louisiana with its immense domain was acquired. In this way we got Oregon, connecting us with the Pacific. In this way Texas, up to the Rio Grande, might have been added; and in this way the Californias, and Mexico herself, in due time may be merged in one great republic. . . .

"*Be it therefore Resolved by the Senate and House of Representatives of the United States of America in Congress assembled*, That the present war with Mexico is not waged with a view to conquest, or the dismemberment of that republic by the acquisition of any portion of her territory.

"*Be it further Resolved by the authority aforesaid*, That it is the desire of the United States that hostilities should terminate upon terms honorable to both parties; embracing a liberal settlement on our part of the questions growing out of the proper and rightful boundary of Texas, and a full recognition and proper provision on her part to be made for all the just claims of our citizens against that country; the whole to be adjusted by negotiation, to be instituted and effected according

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to the constitutional forms of each Government respectively."—*Johnston and Browne, Life of A. H. Stephens, pp. 205, 211.*

The following extracts mark the sentiments of the Northern Whigs, who accepted Seward as their leader:

. . . General Cass has been presented as the administration candidate. Shall we adopt him? We want peace with all the world, but he is the candidate of the administration which has plunged us into war, and has declared himself in favor of swallowing the whole of Mexico, while the Whigs are opposed to the occupation of any part of her territory. War is the bane of republics, and wars of conquest will inevitably transform them into despotisms. . . .

The party of slavery maintains its military defenses, and cultivates the martial spirit, for it knows not the day nor the hour when a standing army will not be necessary to suppress and extirpate the insurrectionary bondsmen.

The party of freedom cherishes peace, because its sway is sustained by the consent of a happy and grateful people.

The party of slavery fortifies itself by adding new slave-bound domain on fraudulent pretexts and with force.

The party of freedom is content and moderate, seeking only a just enlargement of free territory. . . .

We have reached a new stage in our national career. It is that of territorial aggrandizement. Extended jurisdiction is an element of national strength, if the moral condition of the people be sound; of national weakness, if that condition be unsound. . . .

I want no war. I want no enlargement of territory, sooner than it would come if we were contented with a "masterly inactivity." I abhor war, as I detest slavery. I would not give one human life for all the continent that remains to be *annexed*. But I cannot exclude the conviction, that the popular passion for territorial

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aggrandizement is irresistible. Prudence, justice, cowardice, may check it for a season, but it will gain strength by its subjugation. An American navy is hovering over Vera Cruz. An American army is at the heart of what was Mexico. Let the Oregon question be settled when it may, it will, nevertheless, come back again. Our population is destined to roll its resistless waves to the icy barriers of the north, and to encounter oriental civilization on the shores of the Pacific. The monarchs of Europe are to have no rest, while they have a colony remaining on this continent. France has already sold out. Spain has sold out. We shall see how long before England inclines to follow their example. It behooves us, then, to qualify ourselves for our mission. We must dare our destiny. We can do this and can only do it by early measures which shall effect the abolition of slavery, without precipitancy, without oppression, without injustice to slaveholders, without civil war, with the consent of mankind, with the approbation of Heaven. . . . —*Seward, Works, Vol. III., pp. 287, 296, 408, 409.*

Thos. Corwin, of Ohio, in perhaps his most celebrated speech, of Feb. 11, 1847, on the Mexican War, utters the following sentiments in regard to territorial acquisitions:

. . . All I ask of them is, not to require this Government to protect them with that banner consecrated to war waged for principles—eternal, enduring truth. Sir, it is not meet that our old flag should throw its protecting folds over expeditions for lucre or for land. But you still say, you want room for your people. This has been the plea of every robber-chief from Nimrod to the present hour. I dare say, when Tamerlane descended from his throne built of seventy thousand human skulls, and marched his ferocious battallions to further slaughter, I dare say he said, "I want room." Bajazet was another gentleman of kindred tastes and wants with us Anglo-Saxons—he "wanted room." Alexander, too, the mighty "Macedonian madman,"

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when he wandered with his Greeks to the plains of India, and fought a bloody battle on the very ground where recently England and the Sikhs engaged in strife for "room," was no doubt in quest of some California there. . . .

. . . Sir, there is a very significant appendix; it is this: The descendants of the Greeks—of Alexander's Greeks—are now governed by a descendant of Attila! Mr. President, while we are fighting for room, let us ponder deeply this appendix. . . .

Mr. President, this uneasy desire to augment our territory has depraved the moral sense and blunted the otherwise keen sagacity of our people. What has been the fate of all nations who have acted upon the idea that they must advance! Our young orators cherish this notion with a fervid, but fatally mistaken zeal. They call it by the mysterious name of "destiny." "Our destiny," they say is "onward," and hence they argue, with ready sophistry, the propriety of seizing upon any territory and any people that may lie in the way of our "fated" advance. . . .

Mr. President, if the history of our race has established any truth, it is but a confirmation of what is written, "the way of the transgressor is hard." Inordinate ambition, wantoning in power, and spurning the humble maxims of justice has—ever has—and ever shall end in ruin. Strength cannot always trample upon weakness—the humble shall be exalted, the bowed down will at length be lifted up. It is by faith in the law of strict justice, and the practice of its precepts, that nations alone can be saved. All the annals of the human race, sacred and profane, are written over with this great truth, in characters of living light. It is my fear, my fixed belief, that in this invasion, this war with Mexico, we have forgotten this vital truth. . . .

But, Mr. President, if further acquisition of territory is to be the result either of conquest or treaty, then I scarcely know which should be preferred, external war with Mexico, or the hazards of internal commotion at

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home, which last, I fear, may come if another province is to be added to our territory. . . . —*Morrow, Life of Thos, Corwin, pp. 306, 308, 311, 312.*

QUESTIONS.

(1) Did President Polk believe the Mexican war just? (2) What reasons did he give? 3) Give names of those who differed from him. (4) What was the relation between annexation and the war with Mexico? (5) Was the war waged for conquest? (6) Do all agree in this view? (7) What law prevails in conquered territory? (8) How can you explain the attitude of Vermont? (9) Give its reasons for approving acquisition of territory? (10) Compare the views of Vermont and Rhode Island. (11) Why did they *instruct* the senators, and only *request* their representatives to vote in a certain way? (12) What new view was presented by Virginia? (13) Explain the reasons for the difference?

(1) Draw a map to show boundary line drawn between the United States and Mexico by the treaty. (2) What was to become of the inhabitants of the conquered territory? (3) What was to be done with the territory annexed? (4) What states and territories now exist made out of this territory?

(1) Outline the points in Webster's speech. (2) What reasons does he give for opposing annexation of territory? (3) What does he think of the position of President Polk? (4) What relation does he imply exists between the departments of government? (5) What effect does he expect annexation of district territory will have on the Constitution? (6) Why might England, but not the United States, hold colonies? (7) Do his arguments apply to any questions of today? (8) Compare Calhoun's speech with Webster's. (9) Which seems to you the stronger? (10) How do you explain the fact that Calhoun was for Texas annexation and against that of California? (11) Do Webster and Calhoun seriously disagree on any fundamental questions? (12) Explain the reasons for their apparent harmony at this time. (13) How does Stephens differ from Webster? (14) Wherein do they agree? (15) Who stands for the Northern Whigs? (16) What was their position on the war and annexation? (17) How did Seward and Webster differ? (18) Which one has proved the best prophet? (19) Trace the views of Corwin. (20) What peculiar quality in the extracts from his speeches impresses you?

(1) Make an outline to show ideas favoring acquisition of territory. (2) Opposing. (3) Discuss the relative merits of the two views, in the abstract, judged by history. (4) Write an essay on territorial expansion.

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CALIFORNIA AND OREGON

Oregon. Columbia river discovered by Capt. Gray, 1792. Lewis and Clark explore, 1804-1805. Astoria founded, 1811. Treaty with Great Britain for joint occupancy, 1818. Renewed, 1827. Notice of ending of joint occupancy, 1845. Cry of "54° 40′ or fight" raised, 1844-1845. Boundary settled on 49°, 1846. A territory, 1848. A state, 1859.

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CHAPTER VIII

CALIFORNIA AND OREGON

In this study extracts which will throw further light on the acquisition of California are continued, and in addition matter is introduced that aids in an understanding of the dispute over the possession of the Oregon country. President Polk's request that $2,000,000 be set aside for his use in negotiating a treaty of peace with Mexico led to one of the longest and most bitter discussions in all our history. The request was first made in 1846, but the bill failed of passage in the Senate. In 1847 the bill carried $3,000,000 and was debated for months. Various amendments were proposed, the most famous of which was made by David Wilmot, known in history as the "Wilmot Proviso." Several extracts have been introduced to show the degree of sectional excitement aroused by this Proviso. The main issue as will be seen by a study of the extracts turned on the question of the institutions which should prevail in any territorial acquisitions which might be made. Many men were so impressed with the impossibility of reaching any satisfactory decision that they were anxious that no territory should be acquired. Again it will be noticed that Webster and Calhoun locked horns over the question whether the Constitution extended to the territories or

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only to the states. For the first time in our history the power to govern territories was fully and carefully considered. No satisfactory conclusion was found, and after the development of many doctrines—among others "Squatter Sovereignty"—the entire question was temporarily adjourned in the great compromise of 1850. The Oregon controversy was closely connected with the Mexican war. Mexico may have been more aggressive in her course than she otherwise would have been, since she hoped to find an ally in England, due to the difficulty with the United States over the Oregon boundary. But a compromise was made with England, thus leaving Mexico to carry on the contest with the United States by her own means with the well known result of losing a large portion of her territory. This study may well be introduced by extracts from the Message of President Polk who doubtless had a greater part in bringing on the Mexican war than any other one man.

August 8, 1846, President Polk sent the following message to Congress:

I invite your attention to the propriety of making an appropriation to provide for any expenditure which it may be necessary to make in advance for the purpose of settling all our difficulties with the Mexican Republic. It is my sincere desire to terminate, as it was originally to avoid, the existing war with Mexico by a peace just and honorable to both parties. It is probable that the chief obstacle to be surmounted in accomplishing this desirable object will be the adjustment of a boundary between the two Republics which shall prove satisfac-

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tory and convenient to both, and such as neither will hereafter be inclined to disturb. In the adjustment of this boundary we ought to pay a fair equivalent for any concessions which may be made by Mexico.

Under these circumstances, and considering the other complicated questions to be settled by negotiation with the Mexican Republic, I deem it important that a sum of money should be placed under the control of the Executive to be advanced, if need be, to the Government of that Republic immediately after their ratification of a treaty. It might be inconvenient for the Mexican Government to wait for the whole sum the payment of which may be stipulated by this treaty until it could be ratified by our Senate and an appropriation be carried into effect made by Congress. Indeed, the necessity for this delay might defeat the object altogether. The disbursement of this money would of course be accounted for, not as secret-service money, but like other expenditures.

Two precedents for such a proceeding exist in our past history, during the administration of Mr. Jefferson, to which I would call your attention: On the 26th of February, 1803, an act was passed appropriating $2,000,000 "for the purpose of defraying any extraordinary expenses which may be incurred in the intercourse between the United States and foreign nations." "To be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be;" and on the 13th of February, 1806, an appropriation was made of the same amount and in the same terms. In neither case was the money actually drawn from the treasury, and I should hope that the result in this respect might be similar on the present occasion, although the appropriation may prove to be indispensable in accomplishing the object. I would, therefore, recommend the passage of a law appropriating $2,000,000 to be placed at the disposal of the Executive for the purpose which I have indicated.

In order to prevent all misapprehension, it is my duty to state that, anxious as I am to terminate the existing war with the least possible delay, it will continue

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to be prosecuted with the utmost vigor until a treaty of peace shall be signed by the parties and ratified by the Mexican Republic.—*Richardson, Messages and Documents, Vol. IV, pp. 459, 460.*

Senator Sevier (Ark.) moved this resolution, in conformity to the request in the president's message:

"*Be it enacted, etc.*, That a sum of money, not exceeding Three Millions of Dollars, be, and the same is hereby, appropriated, for the purpose of defraying any extraordinary expenses which may be incurred in order to bring the existing war with Mexico to a speedy and honorable conclusion, to be paid out of any money in the Treasury not otherwise appropriated, and the same to be applied under the direction of the President of the United States, who shall cause an account of the expenditure thereof to be laid before Congress as soon as may be."

In discussing it he says:

In making peace, of course the United States would expect to receive indemnity, to some extent at least, for the expenses of the war, and they would expect also the payment of the claims held by our citizens against the Republic of Mexico, and this indemnity was expected in the shape of territory. He was not authorized to state precisely what territory this Government would require, but he supposed that no Senator would think that they ought to get less than New Mexico and Upper California. He did not suppose that a treaty of peace with less than this would ever pass that body.

Senator Berrien (Ga.) gave notice that he would move the following amendment at the proper time:

"*Provided, always*, And it is hereby declared to be the true intent and meaning of Congress in making this appropriation, that the war with Mexico ought not to be prosecuted by this Government with any view to the dismemberment of that Republic, or to the acquisi

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tion by conquest of any portion of her territory; that this Government ever desires to maintain and preserve peaceful and friendly relations with all nations, and particularly with the neighboring Republic of Mexico, will always be ready to enter into negotiations, with a view to terminate the present unhappy conflict on terms which shall secure the just rights and preserve inviolate the national honor of the United States and of Mexico.—*Benton, Vol. XV, pp. 40, 41, 42.*

Mr. Wilmot (a democrat from Pa.) moved the following as an amendment, on August 8, 1846:

Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to be used by the executive of moneys herein appropriated, neither slavery nor involuntary servitude shall ever exist in any part of said territory, except for crime, whereof the party shall first be duly convicted.—*Ibid, Vol. XV, p. 646.*

Mr. Morehead discussed the plan of acquisition of territory and its results as follows:

. . . What else do you acquire? You will have acquired a large number of the population of Mexico, an ignorant, a fanatic, a disorderly people—a population having none of the elements of character in common with the people of this country—a population sprung from a different origin, having none of the blood of the Anglo-Saxons running in their veins—a people differing from you in origin, in character, in feeling, and in principles—having nothing in common with you. What are you to do with them? Are you to govern them as you do your slaves in those States which now tolerate the institution of slavery? Are you to treat them as serfs belonging to the land which you acquire, as attached to the soil? Or will you put them on a level with the people of this country? Will you give them the privileges which your people enjoy, and en-

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able them to regulate and control the destinies of the Government? Will you elevate them to the character of citizens of the United States, though it is now universally believed that the people of Mexico are entirely destitute of the capacity of self government.—*Benton, Abridgments, Vol. XVI,, p. 54.*

Mr. David Wilmot [Penn.] discussed his offered amendment in these words:

Sir, it will be recollected by all present, that at the last session of this Congress, an amendment was moved to a bill of similar character by me, in the form of a proviso, by which slavery should be forever excluded from any territory that might be subsequently acquired by the United States from the Republic of Mexico.

Sir, permit me to say, that upon that occasion that proviso was sustained by a very decided majority of this House. Nay, sir, more; it was sustained, if I mistake not, by a majority of the Republican party on this floor. And I am prepared to show, I think, that the entire South were then willing to acquiesce in what appeared to be, and, so far as the action of this House is concerned, in what was the legislation, will, and declaration of this Union on the subject. It passed in this House. Sir, there were no threats of disunion sounded in our ears. It passed here and it went to the Senate, and it was the judgment of the public, and of many men well informed, that had it not been defeated there for the want of time, it would have passed that body and become the established law of the land.

Yes! no anathemas were fulminated against me then. I was not then denounced as an abolitionist by the correspondence of the "Union," as I have been since, and from which charge I intend to vindicate myself.

What, then, do we ask? Sir, we ask the neutrality of this government on this question of slavery.

. . . I stand by every compromise of the Constitution. I adhere to its letter and its spirit. And I would never invade one single right of the South.

. . . But, we are told, California is ours. And all we ask in the North is, that the character of its territory be preserved. It is free; and it is part of the estab-

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lished law of nations and all public law that when it shall come into this Union, all laws there existing, not inconsistent with its new allegiance, will remain in force; this fundamental law, which prohibits slavery in California will be in force, this fundamental law which prohibits slavery in New Mexico, will be in force. Shall the South invade it? Shall the South make this government an instrument for the violation of its neutrality, and for the establishment of slavery in these territories, in defiance of law? That is the question. There is no question of abolition here, Sir. It is a question whether the South shall be permitted by aggression, by invasion of right. by subduing free territories and planting slavery upon it, to wrest this territory to the accomplishment of its own sectional purposes and schemes?—*Benton, Abridgments, XVI., pp. 55, 56.*

John C. Calhoun [S. C.] said:

. . . We were told, and he was fearful that appearances too well justified the assertion, that all parties in the non-slaveholding portion of the Union insisted that they should have the exclusive control of this acquired territory—that such provision should be made as should exclude those who are interested in the institutions of the South from a participation in the advantages to be derived from the application of these institutions to the territory thus acquired.

How, then, do we stand in reference to this territorial question—this public domain of ours? Why, sir, what is it? It is the common property of the States of this Union. They are called "the territories of the United States." And what are the United States but the States united? Sir, these Territories are the property of the States united; held jointly for their common use. And is it consistent with justice, is it consistent with equality, that any portion of the partners, outnumbering another portion, shall oust them of this common property of theirs—shall pass any law which shall proscribe the citizens of other portions of the Union from emigrating with their property to the Territories of the United States? Would that be consistent, can it be

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consistent with the idea of a common property, held jointly for the common benefit of all? Would it be so considered in private life?

.

Resolved, That the Territories of the United States belong to the several States composing this Union, and are held by them as their joint and common property.

Resolved, That Congress, as the joint agent and representative of the States of this Union has no right to make any law, or to do any act, whatsoever, that shall directly, or by its effects, make any discrimination between the States of this Union, by which any of them shall be deprived of its full and equal right in any territory of the United States acquired or to be acquired.

Resolved, That the enactment of any law which should directly, or by its effects deprive the citizens of any of the States of this Union from emigrating, with their property, into any of the territories of the United States, will make such discrimination, and would, therefore, be a violation of the Constitution, and the rights of the States, from which such citizens emigrated, and in derogation of that perfect equality which belongs to them as members of this Union, and would tend directly to subvert the Union itself.

Resolved, That it is a fundamental principle in our political creed, that a people, in forming a Constitution, have the unconditional right to form and adopt the government which they may think best calculated to secure their liberty, prosperity, and happiness; and that, in conformity thereto, no other condition is imposed by the Federal Constitution on a State, in order to be admitted into this Union, except that its Constitution shall be republican: and that the imposition of any other by Congress would not only be in violation of the Constitution but in direct conflict with the principle on which our political system rests.—***Benton, Abridgments, Vol. XVI., pp. 59, 84, 85, 86.***

In his message of December, 1848, President Polk summarizes the results of his administration:

Within less than four years the annexation of Texas to the Union has been consummated; all conflicting title

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to the Oregon Territory south of the forty-ninth degree of north latitude, being all that was insisted on by any of my predecessors, has been adjusted; and New Mexico and Upper California have been acquired by treaty. The area of these several Territories, according to a report carefully prepared by the Commissioner of the General Land Office, from the most authentic information in his possession, and which is herewith transmitted, contains one million one hundred and ninety-three thousand and sixty-one square miles, or seven hundred and sixty-three million five hundred and fifty-nine thousand and forty acres; while the area of the remaining twenty- ine States, and the territory not yet organized into States east of the Rocky Mountains, contains two million fifty-nine thousand five hundred and thirteen square miles, or thirteen hundred and eighteen million one hundred and twenty-six thousand and fifty-eight acres. These estimates show that the territories recently acquired, and over which our exclusive jurisdiction and dominion have been extended, constitute a country more than half as large as all that which was held by the United States before their acquisition. If Oregon be excluded from the estimate, there will still remain within the limits of Texas, and California, eight hundred and fifty-one thousand five hundred and ninety-eight square miles, or five hundred and forty-five million twelve thousand seven hundred and twenty acres; being an addition equal to more than one-third of all the territory owned by the United States before their acquisition; and, including Oregon, nearly as great an extent of territory as the whole of Europe, Russia only excepted. The Mississippi, so lately the frontier of our country, is now only its center. With the addition of the late acquisitions, the United States are now estimated to be nearly as large as the whole of Europe. . . .

But to effect these great results, not only California, but New Mexico, must be brought under the control of regularly organized governments The existing condition of California, and of that part of New Mexico lying west of the Rio Grande; and without the limits of Texas, imperiously demand that Congress should, at

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its present session, organize territorial governments over them. . . .

In organizing governments over these Territories, no duty imposed on Congress by the Constitution requires that they should legislate on the subject of slavery, while their power to do so is not only seriously questioned, but denied by many of the soundest expounders of that instrument. Whether Congress shall legislate or not, the people of the acquired Territories, when assembled in convention to form State Constitutions, will possess the sole and exclusive power to determine for themselves whether slavery shall or shall not exist within their limits. If Congress shall abstain from interfering with the question, the people of these Territories will be left free to adjust it as they may think proper when they apply for admission as States into the Union. No enactment of Congress could restrain the people of any of the sovereign States of the Union, old or new, north or south, slaveholding or non-slaveholding, from determining the character of their own domestic institutions as they may deem wise and proper. . . . —*Benton, XVI., pp. 260, 262, 263. Also in Richardson, Messages.*

February 5, 1849, the legislature of Virginia adopted a series of resolutions. For our purposes the following are the important ones:

"2. *Resolved, unanimously,* That all territory which may be acquired by the arms of the United States, or yielded by treaty with any foreign power, belongs to the several states of this Union, as their joint and common property, in which each and all have equal rights; and that the enactment, by the Federal Government, of any law which should directly, or by its effects, prevent the citizens of any state from emigrating, with their property, of whatever description, into such territory, would make a discrimination unwarranted by and in violation of the compromises of the constitution, and the rights of the states from which such citizens emigrated, and in derogation of that perfect equality that belongs to the several states as members of this

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Union, and would tend directly to subvert the Union itself. . . .

"5. *Resolved, unanimously,* That the passage of the above mentioned proviso makes it the duty of every slaveholding state, and of all the citizens thereof, as they value their dearest privileges, their sovereignty, their independence, their rights of property, to take firm, united, and concerted action in this emergency." —*Benton Abridgments, XVI, p. 298.*

Perhaps the most interesting phase of the entire discussion is found in the debate between Calhoun and Webster, February 24, 1849. The salient points are quoted below, yet the entire discussion ought to be read:

WEBSTER: . . . Why, sir, the thing is utterly impossible. All the legislation in the world, in this general form, could not accomplish it. . . . Let me say that in this general sense there is no such thing as extending the constitution. The constitution is extended over the United States and over nothing else, and can extend over nothing else. It cannot be extended over anything except over the old states and the new states that shall come in hereafter, when they do come in. There is a want of accuracy of ideas in this respect that is quite remarkable among eminent gentlemen, and especially professional and judicial gentlemen. It seems to be taken for granted that the right of trial by jury, the *habeas corpus*, and every principle designed to protect personal liberty, is extended by force of the constitution itself over every new territory. That proposition cannot be maintained at all. How do you arrive at it by any reasoning or deduction? It can only be arrived at by the loosest of all possible constructions. It is said this must be so, else the right of the *habeas corpus* would be lost. Undoubtedly these rights must be conferred by law before they can be enjoyed in a territory.

Sir, if the hopes of some gentlemen were realized, and Cuba were to become a possession of the United States by cession, does anybody suppose that the

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habeas corpus and the trial by jury would be established in it by the mere act of cession? . . . I do not say that while we sit here to make laws for these territories, we are not bound by every one of those great principles which are intended as general securities for public liberty. But they do not exist in territories until introduced by the authority of Congress. . . .

CALHOUN: . . . Then the single question is, does the constitution extend to the territories, or does it not extend to them? Why, the constitution interprets itself. It pronounces itself to be the supreme law of the land.

MR. WEBSTER: What land?

Mr. CALHOUN: The land; the territories of the United States are a part of the land. It is the supreme law, not within the limits of the states of this Union merely, but wherever our flag waves—wherever our authority goes, the constitution in part goes, not all its provisions certainly, but all its suitable provisions. Why, can we have any authority beyond the constitution? I put the question solemnly to gentlemen: if the constitution does not go there, how are we to have any authority or jurisdiction whatever! Is not congress the creature of the constitution? Does it not hold its existence upon the tenure of the continuance of the constitution; and would it not be annihilated upon the destruction of that instrument, and the consequent dissolution of this confederacy? And shall we, the creature of the constitution. pretend that we have any authority beyond the reach of the constitution? . . .

WEBSTER: . . . This would be tantamount to saying that the moment territory is attached to the United States, all the laws of the United States, as well as the Constitution of the United States, become the governing will of men's conduct, and of the rights of property, because they are declared to be the law of the land—the laws of Congress being the supreme law, as well as the Constitution of the United States. . . .

CALHOUN: . . . How does Congress get any power over the territories?

WEBSTER: It is granted in the Constitution in so

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many words; the power to make laws for the government of the territories.

CALHOUN: Well, then, the proposition that the Constitution does not extend to the Territories is false to that extent. How else does Congress obtain the legislative power over the Territories? And yet the honorable Senator says I assign no reason for it. I assign the strongest reason. If the Constitution does not extend there, you have no right to legislate or to do any act in reference to the Territories. . . . *Benton, Abridgment, XVI., pp. 308, 309, 310, 311.*

OREGON.

The first agreement in regard to the respective claims of Great Britain and the United States to the Oregon country was made in 1818; article three reads as follows:

ARTICLE III. It is agreed that any country that may be claimed by either party on the northwest coast of America, westward of the Stony Mountains, shall, together with its harbours, bays, and creeks, and the navigation of all rivers within the same, be free and open for the term of ten years from the date of the signature of the present convention to the vessels, citizens, and subjects of the two Powers; it being well understood that this agreement is not to be construed to the prejudice of any claim which either of the two high contracting parties may have to any part of the said country, nor shall it be taken to affect the claims of any other Power or State to any part of the said country; the only object of the high contracting parties, in that respect, being to prevent disputes and differences among themselves.—*United States Statutes at Large, 1873; Public Treaties.*

In 1827 a treaty was made between the two countries, in the following sections:

The United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland, being equally desirous to prevent, as far as

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possible, all hazard of misunderstanding between the two nations, with respect to the territory on the northwest coast of America, west of the Stoney or Rocky Mountains, after the expiration of the third article of the convention concluded between them on the twentieth of October, 1818, and also with a view to give further time for maturing measures which shall have for their object a more definite settlement of the claims of each party to the said territory, have respectively named their Plenipotentiaries to treat and agree concerning a temporary renewal of the said article, that is to say: . . .

[The plenipotentiaries] who, after having communicated to each other their respective full powers, found to be in due and proper form, have agreed upon and concluded the following articles:

ARTICLE I. All the provisions of the third article of the convention concluded between the United States of America and His Majesty the King of the United Kingdom of Great Britain and Ireland on the twentieth of October, 1818, shall be, and they are hereby, further indefinitely extended and continued in force, in the same manner as if all the provisions of the said article were herein specifically recited.

ARTICLE II. It shall be competent, however, to either of the contracting parties, in case either should think fit, at any time after the twentieth of October, 1828, on giving due notice of twelve months to the other contracting party, to annul and abrogate this convention; and it shall, in such case, be accordingly entirely annulled and abrogated, after the expiration of the said term of notice.—*Ibid, pp. 310, 311.*

The joint occupancy above noted was terminated by the following joint resolution of Congress in 1846:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That, the President of the United States cause notice to be given to the Government of Great Britain that the convention between the United States of America and

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Great Britain, concerning the territory on the northwest coast of America, west of the Stoney or Rocky Mountains, of the sixth day of August, Eighteen Hundred and Twenty-seven, signed at London, shall be annulled and abrogated twelve months after giving said notice.

Resolved, That nothing herein contained is intended to interfere with the right and discretion of the proper authorities of the two contracting parties to renew or pursue negotiations for an amicable settlement of the controversy respecting the Oregon territory.—*Benton, Abridgment of Debates of Congress, Vol. XV., p. 371.*

President Polk's Message, Dec. 2, 1845, uses the following words:

All attempts at compromise having failed, it becomes the duty of Congress to consider what measures it may be proper to adopt for the security and protection of our citizens now inhabiting, or who may hereafter inhabit Oregon, and for the maintenance of our just title to that territory. In adopting measures for this purpose, care should be taken that nothing be done to violate the stipulations of the Convention of 1827, which is still in force. The faith of treaties, in their letter and spirit, has ever been, and, I trust, will ever be, scrupulously observed by the United States. Under that Convention, a year's notice is required to be given by either party to the other, before the joint occupancy shall terminate, and before either can rightfully assert or exercise exclusive jurisdiction over any portion of the territory. This notice it would, in my judgment, be proper to give; and I recommend that provision be made by law for giving it accordingly, and terminating, in this manner, the Convention of the sixth of August, 1827. . . .

At the end of the year's notice, should Congress think it proper to make provision for giving that notice, we shall have reached a period when the national rights in Oregon must either be abandoned or firmly maintained. That they cannot be abandoned without a sacrifice of both national honor and interest, is too clear to admit of doubt.

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Oregon is a part of the North American continent, to which it is confidently affirmed, the title of the United States is the best now in existence. For the grounds on which that title rests, I refer you to the correspondence of the late and present Secretary of State with the British Plenipotentiary during the negotiations.

The British proposition of compromise, which would make the Columbia the line south of forty-nine degrees, with a trifling addition of detached territory to the United States, north of that river, and would leave on the British side two-thirds of the whole Oregon territory, including the free navigation of the Columbia and all the valuable harbors on the Pacific, can never, for a moment, be entertained by the United States, without an abandonment of their just and clear territorial rights, their own self respect, and the national honor. For the information of Congress, I communicate herewith the correspondence which took place between the two governments during the late negotiation. . . .
—*Benton, Abridgment, XV., pp. 250, 251.*

Mr. Cass [Mich.], in discussing this subject, Dec. 15, 1845, says, in part:

. . . It was impossible to peruse the President's Message and to observe the indications of public sentiment which are crowding upon us from every quarter without being aware that a crisis is fast approaching in the intercourse between this country and Great Britain, which demands the serious consideration, and may require the cordial and active co-operation, of the whole American people. The President has told us that the negotiations respecting Oregon, if they have not reached a close, have, at any rate, reached a position almost equivalent to it. The claims of the respective nations are utterly irreconcilable; . . .

I did not rise, Sir, as will be seen, to discuss in whole or in part the question of our right to Oregon. . . . But I am sure there is no great party, and I trust there are few individuals in this country, who are prepared, even in an extreme spirit of compromise, to accept the most liberal offer that England has yet made. Her pretentions and ours are so widely separated, that there

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seems no middle ground on which to meet. Our most moderate claim, and her most liberal offer, leave the parties asunder by seven degrees of latitude and by a large portion of the territory in question. What, then, is our condition? Can we recede? Can we stand still; or must we advance?

As to receding, it is neither to be discussed nor thought of. I refer to it but to denounce it—a denunciation which will find a response in every American bosom. Nothing is ever gained by national pusillanimity. And the country which seeks to purchase temporary security by yielding to unjust pretentions, buys present ease at the expense of permanent honor and safety. It sows the wind to reap the whirlwind. I have said elsewhere, what I will repeat here, that it is better to fight for the first inch of national territory than for the last.

If we cannot recede, can we stand still? No, Mr. President; in this as in all the other elements of national power and greatness, our duty and our destiny are onward. We might as well attempt to stay the waves of the Pacific, as to stay the tide of emigration which is setting towards its shores. If this Government had the disposition, it has not the power to arrest this human current. But it has neither—neither the power nor the disposition to do it. There are questions of public right, which may rest in abeyance; which are not called into daily exercise; and need be asserted only when required. But such is not the right by which we hold Oregon. . . .

If, then, Mr. President, we can neither retrace our steps nor check them, we must go onward. And England has placed herself in the path that is before us; and if she retain her position, we must meet her. If the last proposition she has submitted is her ultimatum, it is effectively a declaration of war. Its advent may be delayed a few months; but as soon as the notice expires, if she persists, as she will do, in her occupation of the country, the struggle must commence. It is not the notice which is a belligerent measure, for that is a treaty right; but it is the subsequent and immediate course the parties will probably pursue that must lead

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to war. I hope—or I ought rather to say I wish—that England would awaken to a sense of her injustice and would yield where she could yield honorably and ought to yield rightfully. But will she do so? It is safest to believe she will not, and this dictate of prudence is fortified by every page of her history. When did she voluntarily surrender a territory she had once acquired, or abandon a pretention she had once advanced?—*Benton, Abridgments, XV., pp. 271, 272, 273.*

Mr. Hannegan [Ind.] called up the following resolutions submitted by him yesterday, (Dec. 30, 1845):

1. *Resolved*, That the country included between the parallels of 42° and 54° 40′ north latitude, and extending from the Rocky Mountains to the Pacific Ocean, known as the Territory of Oregon, is the property, and part and parcel of the territories of the United States.

2. *Resolved*, That there exists no power in this Government to transfer its soil and the allegiance of its citizens to the dominion, authority, control, and subjection of any foreign power, prince, state, or sovereignty.

3. *Resolved*, That the abandonment or surrender of any portion of the Territory of Oregon would be an abandonment of the honor, character and the best interests of the American people.—*Benton, XV., p. 300.*

Mr. Calhoun moved to strike out the above resolutions and insert—

Resolved, That, however clear their claims may be in their opinion to the country included within the parallels of 42° and 54° 40′ north latitude, and extending from the Rocky Mountains to the Pacific Ocean, known as the territory of Oregon, there now exists, and have long existed, conflicting claims to the possession of the same between them and Great Britain, the adjustment of which has been frequently the subject of negotiation between the respective Governments.

Resolved, therefore, That the President of the United States has rightfully the power under the Constitution;

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by and with the advice and consent of the Senate, provided that two-thirds of the members present concur, to adjust by treaty the claims of the two countries to the said territory, by fixing a boundary between their respective possessions.

Resolved, That the President of the United States, in renewing the offer in the spirit of peace and compromise, to establish the 49th degree of north latitude as a line between the possessions of the two countries, to the said territory, did not "abandon the honor, the character, or the best interests of the American people," or exceed the power vested in him by the Constitution to make treaties.—*Benton, XV., p. 301.*

Mr. Hilliard [Mass.] says:

But Mr. H. had some facts to illustrate the value of Oregon to us, which he deemed of the first moment. England and the United States were the only competitors for the trade of Southern China; . . .

. . . In this gainful traffic, England regarded us as a rival Power, and she was by no means disposed to give it up. The coast of Oregon fronted that of China, and presented great facilities for carrying on this important branch of our commerce. Fully to avail ourselves, however, of these advantages, we ought to connect Oregon with the State of Missouri by the construction of a railroad. This was not so wild and visionary a scheme as at the first view some gentlemen might be disposed to consider it. . . .

With a route so short and so direct as this, might we not reasonably hope, in a great measure, to command both the trade and the travel of the world? Engrafted on this plan, and as its natural adjunct, was the extension of a magnetic telegraph, which should follow the course of the road; unite the two, and where was the imagination that could grasp the consequences.—*Benton, XV., pp. 313, 314.*

Stephen A. Douglas [Ill.] discusses the question as follows:

. . . But I choose to be frank and candid in the declaration of my sentiments on this question. For

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one, I never will be satisfied with the valley of the Columbia, nor with 49°, nor with 54° 40′; nor will I be, while Great Britain shall hold possession of one acre on the northwest coast of America. And, Sir, I will never agree to any arrangement that shall recognize her right to one inch of soil upon the northwest coast; and for this simple reason: Great Britain never did own, she never did have a valid title to one inch of that country. The question was only one of dispute between Russia, Spain, and the United States. England never had title to any part of the country. Our government has always held that England had no title to it. In 1826, Mr. Clay, in his despatches to Mr. Gallatin, said: "It is not conceived that the British government can make out even a colorable title to any part of the northwest coast."—*Benton, XV., p. 352.*

Benton [Mo.] takes this position:

The President has declined the offer of arbitration made by Great Britain. I think he did right to do so he interest at stake is too large for that species of settlement. Territorial rights to a country large enough for a great kingdom is not a subject for individual arbitrament, whether of crowned heads, or of citizens or subjects. Small matters may be referred. Things not worth a contest may be referred. But an empire of territory, with great rivers and harbors, contiguous to, and indispensable to, one of the parties, holding a claim for fifty years, which it feels to be valid, is not a matter for arbitration.—*I. id, p. 390.*

Daniel Webster says, in part:

. . . There is nothing in his recommendations to the other House, nor to this, indicative of such an expectation [war]. There is nothing of preparation for defense indicating that the President expects war. Well, then, he can expect nothing but a continuance of this dispute or its settlement by negotiation. I am bound to suppose that he expects its settlement by negotiation. What terms of negotiation? What basis of negotiation? What grounds of negotiation? Everything that we hear from the Executive Department is

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"The whole or none;" and yet negotiation! Sir, it is in vain to conceal from ourselves, from the country, or from the world, the gross inconsistency of this course of conduct. . . . —*Ibid, pp- 397, 398.*

Extract from the Democratic platform of 1844:

"*Resolved*, That our title to the whole of the Territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power; and that the re-occupation of Oregon, and the re-annexation of Texas at the earliest practicable period, are great American measures, which the Convention recommends to the cordial support of the Democracy of the Union."—*Cited in Benton, XV., p, 413.*

The final settlement is indicated in these extracts from the treaty with Great Britain of 1846:

The United States of America and Her Majesty the Queen of the United Kingdom of Great Britain and Ireland, deeming it to be desirable for the future welfare of both countries that the state of doubt and uncertainty which has hitherto prevailed respecting the sovereignty and government of the territory on the northwest coast of America, lying westward of the Rocky or Stoney Mountains, should be finally terminated by an amicable compromise of the rights mutually asserted by the two parties over the said territory, having respectively named Plenipotentiaries to treat and agree concerning the terms of such settlement, that is to say, . . .

Who, after having communicated to each other their respective full powers, found in good and due form, have agreed upon and concluded the following articles:

ARTICLE I. From the point on the forty-ninth parallel of north latitude, where the boundary laid down in existing treaties and conventions between the United States and Great Britain terminates, the line of boundary between the territories of the United States and

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those of Her Britannic Majesty shall be continued westward along the said forty-ninth parallel of north latitude to the middle of the channel wh ch separates the continent from Vancouver's Island, and thence southerly through the middle of the said channel, and of Fuca's Straits, to the Pacific Ocean. Provided, however, that the navigation of the whole of the said channel and straits, south of the forty-ninth parallel of north latitude, remain free and open to both parties.—*Treaties, 1873, p, 320.*

QUESTIONS.

1. For what purpose did President Polk request Congress to make an appropriation of $2,000,000? 2. What precedents did he cite? 3 What statement does he make in regard to the continuance of the war? 4. Can you decide from the text why he thought peace might not be able to be made without the $2,000,000? 5. Where Senator Sevier talks about an indemnity, what does he mean? 6. What amendment did Senator Berrien suggest? 7. Why did he offer such an amendment? 8. Cite the Wilmot amendment. 9. How would you expect the slave-holding states to feel in regard to such an amendment? 10. What reasons are given against the acquisition of territority? 11. What reasons in favor?

1. What plans for governing the acquired territory were suggested? 2. Have any of the questions come up for discussion in our own day? 3. How did Wilmot feel in regard to his proviso? 4. What charges evidently were being made against him by his party colleagues? 5. What claim did he make in regard to their position in 1846?

1. What constitutional position does Calhoun take in regard to rights in the acquired territory? 2. On what theory of the nature of the Union were his resolutions based? 3. What rights had each state in regard to its constitution? 4. What territory was gained between 1845 and 1849? 5. What claim does President Polk make in regard to its importance? 6. How did slavery enter this discussion? 7. What view did the legislature of Virginia take in regard to the "Wilmot Proviso?" 8. State the respective views of Webster and Calhoun in regard to what territory the constitution extended over. 9. What view is now accepted? 10. Do all today agree? 11. How is the same question now being discussed?

1. Who claimed the Oregon country? 2. What was the region included in Oregon? 3. How was the dis-

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pute at first settled? 4. What offers of compromise had been made? 5. What section of the Union was most insistent on "all Oregon?" 6. What party pronounced for "all Oregon?" 7. What party in power when the compromise was made? 8. What do you understand by joint occupancy? 9. When was this joint occupancy terminated? 10. State the views of Mr. Cass. 11. How did Mr. Calhoun feel in regard to war with England? 12. Arguments used in favor of getting Oregon. 13. Arguments for compromise. 14. Position of Douglas. 15. What absurdity in Polk's position did Webster show? 16. State the final settlement of the whole question. 17. Write the history of the acquistition of California, etc. 18. Write an account of the struggle for Oregon.

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ALASKA AND HAWAII

Alaska discovered, 1728. Southern boundary fixed at 54° 40′, 1823-1824. Suggested purchase, 1859. Purchased, 1867. Area (est.), 577,390 square miles. Cost, $7,200,000 gold.

Hawaii. Area, 6,040 square miles. Various movements for annexation, 1850 on. Reciprocity treaty, 1875. Treaty annexation, 1892; withdrawn, 1893. Treaty annexation, 1898. Annexed by joint resolution, 1898.

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CHAPTER IX

ALASKA AND HAWAII

In our previous studies we have had to deal with the acquisition of adjacent territory, and in the main with territory in which there were few or no inhabitants, except Indians. The Constitution had expressly given Congress authority to deal with the Indian tribes, hence their existence had not introduced any new element into the problem of government. In the acquisition of Alaska, the United States, for the first time in its history, annexed non-adjacent territory. With the resolution incorporating Hawaii into the territorial possessions of the Union, a people as well as a land was added. Even here the extreme had not been reached, for a large portion of the controlling element of the population was either American or spoke the English language. Our next study, "Porto Rico and the Philippines," will introduce us to the extreme limit—non-adjacent territory with a dense population of an entirely different race.

Previous to this annexation we had been acquiring territory in order that it might become the home of American citizens as they moved from frontier to frontier in the westward march of empire. In each case American ideas had been carried by American people into a practi-

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cally unsettled wilderness. The new problems, therefore, are so different that our past experience affords us little of value to aid in their solution.

The purchase of Alaska was made without much previous discussion. The idea had been suggested even before the Civil war, but very little attention had been given to it. Even at the time of acquisition very little was known of the region. In general it was regarded as worthless, and the price as a payment made to Russia for her friendliness in the Civil war. On the other hand, as the extracts will in part show, the Hawaiian question had been long discussed, and more than one treaty of annexation had been made, only to fail of ratification. Finally even here a joint resolution was required to secure its annexation in 1898, as it was uncertain whether a two-thirds vote could be secured for the treaty in the Senate.

ALASKA.

The following extracts from the treaty of 1867 with Russia, providing for the acquisition of Alaska, give the more essential provisions:

The United States of America and His Majesty the Emperor of all the Russias, being desirous of strengthening, if possible, the good understanding which exists between them, have, for that purpose, appointed as their plenipotentaries, the President of the United States, William H Seward, Secretary of State; and His Majesty the Emperor of all the Russias, the Privy Counselor, Edward de Stoeckl, his Envoy Extraordinary and Minister Plenipotentiary to the United States;

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And the said Plenipotentiaries, having exchanged their full powers, which were found to be in due form, have agreed upon and signed the following articles:

ARTICLE I.

His Majesty the Emperor of all the Russias agrees to cede to the United States, by this convention, immediately upon the exchange of the ratifications thereof, all the territory and dominion now possessed by his said Majesty on the said continent of America and in the adjacent islands, the same being contained within the geographical limits herein set forth, to-wit: The eastern limit is the line of demarcation, between the Russian and the British possessions in North America, as established by the convention between Russia and Great Britain, of February 28-16, 1825, and described in Articles III and IV of said convention, in the following terms:

"Commencing from the southernmost point of the island called Prince of Wales Island, which point lies in the parallel of 54 degrees 40 minutes north latitude, and between the 131st and 133d degree of west longitude (meridian of Greenwich), and the said line shall ascend to the north along the channel called Portland Channel, as far as the point of the continent where it strikes the 56th degree of north latitude; from this last-mentioned point the line of demarcation shall follow the summit of the mountains situated parallel to the coast, as far as the point of intersection of the 141st degree of west longitude, (of the same meridian); and finally, from the said point of intersection, the said meridian line of the 141st degree, in its prolongation as far as the Frozen Ocean.

"IV. With reference to the line of demarcation laid down in the preceding article, it is understood—

"1st. That the island called Prince of Wales Island shall belong wholly to Russia," (now by this cession to the United States).

"2d. That whenever the summit of the mountains which extend in a direction parallel to the coast from the 56th degree of north latitude to the point of intersection of the 141st degree of west longitude shall prove

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to be at the distance of more than ten marine leagues from the ocean, the limit between the British possessions and the line of coast which is to belong to Russia as above mentioned, (that is to say the limit to the possessions ceded by this convention), shall be formed by a line parallel to the winding of the coast, and which shall never exceed the distance of ten marine leagues therefrom."

The western limit within which the territories and dominion conveyed are contained passes through a point in Behring's Straits on the parallel of 65 degrees 30 minutes north latitude, at its intersection by the meridian which passes midway between the islands of Krusenstern or Ignalook, and the island of Ratmanoff, or Noonarbook, and proceeds due north without limitation, into the same Frozen Ocean. The same western limit, beginning at the same initial point, proceeds thence in a course nearly southwest, through Behring's Straits and Behring's Sea, so as to pass midway between the northwest point of the island of St. Lawrence and the southeast point of Cape Choukotski, to the meridian of 172 degrees west longitude; thence, from the intersection of that meridian, in a southwesterly direction, so as to pass midway between the island of Attou and the Copper Island of the Kormandorski couplet or group, in the North Pacific Ocean, to the meridian of 193 degrees west longitude, so as to include in the territory conveyed the whole of the Aleutian Islands east of that meridian.

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ARTICLE III.

The inhabitants of the ceded territory, according to their choice, reserving their natural allegiance, may return to Russia within three years; but if they should prefer to remain in the ceded territory, they, with the exception of uncivilized native tribes, shall be admitted to the enjoyment of all the rights, advantages, and immunities of citizens of the United States, and shall be maintained and protected in the free enjoyment of their liberty, property and religion. The uncivilized tribes will be subject to such laws and regulations as

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the United States may from time to time adopt in regard to aboriginal tribes of that country.

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ARTICLE VI.

In consideration of the cession aforesaid, the United States agrees to pay at the Treasury in Washington, within ten months after the exchange of the ratification of this convention, to the diplomatic representative or other agent of His Majesty the Emperor of all the Russias, duly authorized to receive the same, seven million two hundred thousand dollars in gold. . . —*United States Statutes at Large, Public Treaties, 1873 75, pp. 671-73.*

History of the Treaty:

April 8th, the treaty was reported by Mr. Sumner without amendment, and with the recommendation that the Senate advise and consent thereto. The next day it was considered, when Mr. Sumner spoke on the negotiation, its origin, and the character of the ceded possessions. A motion by Mr. Fessenden to postpone its further consideration was voted down—Yeas 12, Nays 29. After further debate, the final question of ratification was put and carried on the same day by a vote of Yeas 37, Nays 2—the Nays being Mr. Fessenden, and Mr. Morrill, of Vermont. The ratifications were exchanged June 20, and the same day the treaty was proclaimed.—*Sumner, Works, Vol. XI., p. 184.*

Extracts from Sumner's great speech of April 9, 1867, in favor of the ratification of the Treaty of Purchase:

Turning from the question of title, which time and testimony have already settled, I meet the inquiry, Why does Russia part with possessions associated with the reign of her greatest ruler and filling an important chapter of geographical history? Here I am without information not open to others. But I do not forget that the first Napoleon, in parting with Louisiana, was controlled by three several considerations. First, he needed the purchase-money for his treasury; secondly,

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he was unwilling to leave this distant unguarded territory a prey to Great Britain, in the event of hostilities, which seemed at hand; and, thirdly, he was glad, according to his own remarkable language, "to establish forever the power of the United States, and give to England a maritime rival that would sooner or later humble her pride." Such is the record of history. Perhaps a similar record may be made hereafter with regard to the present cession. . . .

. . . Besides, I cannot doubt that her enlightened Emperor, who has given pledges to civilization by an unsurpassed act of emancipation, would join the first Napoleon in a desire to enhance the maritime power of the United States.

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I am not able to say when the idea of this cession first took shape. I have heard that it was as long ago as the administration of Mr. Polk. It is within my knowledge that the Russian Government was sounded on the subject during the Administration of Mr. Buchanan.

This was done through Mr. Gwin, at the time Senator of California, and Mr. Appleton, Assistant Secretary of State. For this purpose the former had more than one interview with the Russian minister at Washington, some time in December, 1859, in which, while professing to speak for the President unofficially, he represented that "Russia was too far off to make the most of these possessions, and that, as we were near, we could derive more from them." In reply to an inquiry of the Russian minister, Mr. Gwin said that "the United States could go as high as $5,000,000 for the purchase," on which the former made no comment.

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"Your memorialists, the Legislative Assembly of Washington Territory, beg leave to show that abundance of codfish, halibut, and salmon, of excellent quality, have been found along the shores of the Russian possessions. Your memorialists respectfully request your Excellency to obtain such rights and privileges of the Government of Russia as will enable our fishing vessels to visit the ports and harbors of its possessions,

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to the end that fuel, water, and provisions may be easily obtained, that our sick and disabled fishermen may obtain sanitary assistance, together with the privilege of curing fish and repairing vessels in need of repairs.

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This memorial, on presentation to the President, in February, 1866, was referred to the Secretary of State, by whom it was communicated to Mr. de Stoeckl, the Russian minister, with remarks on the importance of some early and comprehensive arrangement between the two powers to prevent the growth of difficulties, especially from fisheries in that region.

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"There is at the present time a good chance to organize a fur trading company, to trade between the United States and the Russian possessions in America.

.

. . . Meanwhile, in October, 1866, Mr. de Stoeckl, who had long been the Russian minister at Washington, and enjoyed in a high degree the confidence of our Government, returned home on leave of absence, promising his best exertions to promote good relations between the two countries. While he was at St. Petersburg, the applications from the United States were under consideration; but the Russian government was disinclined to any minor arrangement of the character proposed. Obviously something like a crisis was at hand with regard to these possessions. The existing government was not adequate. The franchises granted there were about to terminate. Something must be done. As Mr. de Stoeckl was leaving for his post, in February, the Arch Duke Constantine, brother and chief adviser of the Emperor, handed him a map with the lines in our treaty marked upon it, and told him he might treat for cession with those boundaries. The minister arrived in Washington early in March. A negotiation was opened at once. Final instructions were received by the Atlantic cable, from St. Petersburg, on the twenty-ninth of March, and at four o'clock on the morning of the thirtieth of March, this important treaty

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was signed by Mr. Seward on the part of the United States and by Mr. de Stoeckl on the part of Russia

. . . but there are other matters of a more general character which present themselves at this stage and challenge judgment. These concern nothing less than the unity, power, and grandeur of the Republic, with the extension of its dominion and its institutions. . .

1. *Advantages to the Pacific Coast.*—Foremost in order, if not in importance, I put the desires of our fellow citizens on the Pacific coast, and the special advantages they will derive from this enlargement of boundaries. They were the first to ask for it, and will be the first to profit by it.

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The advantages to the Pacific coast have two aspects —one Domestic, and the other Foreign. Not only does the treaty extend the coasting trade of California, Oregon, and Washington Territory, northward, but it also extends the base of Commerce with China and Japan. To unite the East of Asia with the West of America is the aspiration of commerce now as when the English navigator recorded his voyage. . . .

2. *Extension of Dominion.*—The extension of dominion is another consideration calculated to captivate the public mind. Few are so cold or philosophical as to regard with insensibility a widening of the bounds of country. Wars have been regarded as successful, when they have given a new territory. The discoverer who had planted the flag of his sovereign on a distant coast, has been received as a conqueror.

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The passion for acquisition, so strong in the individual, is not less strong in the community. A nation seeks an outlying territory, as an individual seeks an outlying farm. . . . It is common to the human family. There are few anywhere who could hear of a considerable accession of territory, obtained peacefully and honestly, without a pride of country, even if at certain moments the judgment hesitated. With increased size on the map, there is increased consciousness of strength, and the heart of the citizen throbs anew as he traces the extending line.

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3. *Extension of Republican Institutions.*—More than the extension of dominion is the extension of republican institutions, which is a traditional aspiration. It was in this spirit that Independence was achieved. In the name of Human Rights our fathers overthrew the kingly power, whose representative was George the Third.

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By the text of our Constitution, the United States are bound to guarantee "a republican form of government" to every State in the Union; but this obligation, which is applicable only at home, is an unquestionable indication of the national aspiration everywhere. The Republic is something more than a local policy; it is a general principle, not to be forgotten at any time, especially when the opportunity is presented of bringing an immense region within its influence.

The present treaty is a visible step in the occupation of the whole North American continent. As such it will be recognized by the world and accepted by the American people. But the treaty involves something more. We dismiss one other monarch from the continent. One by one they have retired —first France, then Spain, then France again, and now Russia—all giving way to the absorbing unity declared in the national motto, *E pluribus unum.*

4. *Anticipation of Great Britian.*—Another motive to this acquisition may be found in the desire to anticipate imagined schemes or necessities of Great Britain. With regard to all these I confess doubt; and yet, if we credit report, it would seem as if there were already a British movement in this direction. Sometimes it is said that Great Britain desires to buy, if Russia will sell.

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5. *Amity of Russia.*—There is still another consideration concerning this treaty not to be disregarded. It attests and assures the amity of Russia.

.

There is one other point on which I file my *caveat.* This treaty must not be a precedent for a system of indiscriminate and costly annexation. Sincerely

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believing that republican institutions under the primacy of the United States must embrace this whole continent, I cannot adopt the sentiment of Jefferson, who, while confessing satisfaction in settlements on the Pacific coast, saw there in the future nothing but "free and independent Americans," bound to the United States only by "ties of blood and interest," without political unity—or of Webster, who in the same spirit said of settlers there, "They will raise a standard for themselves, and they ought to do it." Nor am I willing to restrict myself to the principle so tersely expressed by Andrew Jackson, in his letter to President Monroe: "Concentrate our population, confine our frontier to proper limits, until our country, to those limits, is filled with a dense population." But I cannot disguise my anxiety that every stage in our predestined future shall be by natural processes, without war, and I would add even without purchase. There is no territorial aggrandizement worth the price of blood. Only under peculiar circumstances can it become the subject of pecuniary contract. Our triumph should be by growth and organic expansion in obedience to "pre-established harmony," recognizing always the will of those who are to become our fellow citizens. And this must be easy, if we are only true to ourselves. Our motto may be that of Goethe: "Without haste, without rest." Let the Republic be assured in tranquil liberty, with all equal before the law, and it will conquer by its sublime example. . . .

. . . Meanwhile, our first care should be to improve and elevate the Republic, whose sway will be so comprehensive. Plant it with schools; cover it with churches; fill it with libraries; make it abundant with comfort, so that poverty shall disappear; keep it constant in the assertion of Human Rights. And here we may fitly recall those words of Antiquity, which Cicero quoted from the Greek, and Webster in our day quoted from Cicero: "You have a Sparta; adorn it."

* * * * * * * * *

2. *Population.*—I come now to the population. . . Prof. Agassiz touches this point in a letter which I have

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just received from him, where he says: "To me the fact that there is as yet hardly any population would have great weight, as this secures the settlement to our race." . . . —*Sumner, Works, Vol, XI., pp. 200, 201, 203, 205, 206, 207, 209, 216, 218, 219, 220, 221, 222, 223, 228, 232, 233, 234, 261.*

The opposition views find expression in the following extracts:

MR. FERRISS [N. Y.]; The people of this country do not want these Russian possessions. If submitted to them they would reject the treaty by a majority of millions. Alaska, with the Aleutian Islands, is an inhospitable, wretched and God-forsaken region, worth nothing, but a positive injury and incumbrance as a colony of the United States.

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MR. WASHBURN [Wis.]: The country is absolutely without value. . . . I tell gentlemen who go for Alaska that Greenland to day is a better purchase than Alaska.

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MR. PRICE [Iowa]: Now that we have got it and cannot give it away or lose it, I hope we will keep it under military rule and get along with as little expense as possible. It is a dead loss to us anyway, and the more expense we incur the worse it is for the country and the people.

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MR. B. F. BUTLER [Mass.]: If we are to pay for her (Russia's) friendship this amount, I desire to give her the $7,200,000 and let her keep Alaska. . . . I have no doubt that anytime within the last twenty years we could have had Alaska for the asking. I have heard it was so stated in the Cabinets of two Presidents, provided we would have taken it as a gift. But no man, except one insane enough to buy the earthquakes in St. Thomas and the ice fields in Greenland, could be found to agree to any other terms for its acquisition to the country.

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MR. LOAN [Mo.]: The acquisition of this inhospitable and barren waste would never add one dollar to the wealth of our country or furnish homes to our people. To suppose that anyone would willingly leave the mild climate and fruitful soil of the United States, with its newspapers and churches, its railroads and commerce, its civilization and refinement, to seek a home among the Aleuts, . . . is simply to suppose such person insane.

.

MR. WILLIAMS [Pa]: Have the people desired it? (The purchase of Alaska) Not a sensible man among them had ever suggested it. The whole country exclaimed at once, when it was made known to it, against the ineffable folly, if not the wanton profligacy, of the whole transaction. There is no man here, I think, who would have advised it. I doubt whether there are twenty in this House who would be willing to vote for it now, but for the single reason that the contract has been made.

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MR. WASHBURN [Ill.]: The accounts which we receive from that Territory, of the sickness and suffering of the people who are sent there show conclusively that it will never be inhabited to any considerable extent by white men.

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MR. FERRISS [N. Y.]: That the President be authorized to bind the United States by treaty to pay the sum of $7,200,000 to any respectable European, Asiatic, or African power which will agree to accept a cession of the Territory of Alaska.—*Cited in Hermann, The Louisiana Purchase, pp. 52, 53.*

HAWAII.

The first treaty between the United States and the Sandwich Islands was made Dec. 23, 1826. The first article reads:

ARTICLE I. The peace and friendship subsisting between the United States and their Majesties, the Queen

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Regent and Kauikeaouli, King of the Sandwich Islands, and their subjects and people, are hereby confirmed and declared to be perpetual.—*House, Executive Documents, 1893-94, Vol. XXVII., p. 276.*

Dec. 19, 1842, Daniel Webster, Secretary of State, wrote:

The advantages of your country to the navigators in the Pacific, and in particular to the numerous vessels and vast tonnage of the United States frequenting that sea, are fully estimated; and just acknowledgements are due to the Government and inhabitants of the islands for their numerous acts of hospitality to the citizens of the United States.

The United States have regarded the existing authorities in the Sandwich Islands as a Government suited to the condition of the people, and resting on their own choice; and the President is of opinion that the interests of all commercial nations require that that Government should not be interfered with by foreign powers. Of the vessels which visit the islands, it is known that a great majority belong to the United States. The United States, therefore, are more interested in the fate of the islands, and of their government, than any other nation can be; and this consideration induces the President to be quite willing to declare, as the sense of the Government of the United States, that the Government of the Sandwich Islands ought to be respected; that no power ought either to take possession of the islands as a conquest, or for the purpose of colonization, and that no power ought to seek for any undue control over the existing Government, or any exclusive privileges or preferences in matters of commerce.—*Ibid, p. 285.*

King Kamehameha to President Tyler, 1843:

Relying on the magnanimity and firmness of the United States, we appeal to the President to interpose the high influence of the United States with the court of England to grant us an impartial hearing and procure us justice, to induce Her British Majesty to withdraw from the sovereignty of these islands and leave

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us as we have been—an *independent government supported in our right.*

.

We look to the United States with peculiar feelings of respect and gratitude. To the benevolence and enterprise of that great people we owe the introduction of the Christian religion, of civilization and laws of commerce and agriculture, and the large and respectable number of our foreign residents.—*Ibid, pp, 295, 296.*

Mr. Severance wrote, 1851, to Webster, Secretary of State, concerning conditions at Honolulu, in part, as follows:

. . . What will follow we can not tell, but in case of another hostile attack from the French, the King, with the approbation of his chiefs, and I believe nearly all the principal officers of the Government, have it in contemplation to take down the Hawaiian flag and run up that of the United States They contemplate annexation to our Republic, and have already consulted me about it. . . . —*Ibid, p. 330.*

Webster replied:

. . . The annunciation of this policy will not surprise the governments of Europe, nor be thought to be unreasonable by the nations of the civilized world, and that policy is that while the Government of the United States, itself faithful to its original assurance, scrupulously regards the independence of the Hawaiian Islands, it can never consent to see those islands taken possession of by either of the great commercial powers of Europe, nor can it consent that demands, manifestly unjust and derogatory and inconsistent with a bona fide independence, shall be enforced against that Government.—*Ibid. p. 341.*

Mr. Marcy, Secretary of State, gave the following instructions to Mr. Gregg, American Minister to Hawaii, 1854:

. . . You were informed that it was not the policy of the United States to accelerate such a change; but if,

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in the course of events, it became unavoidable, this Government would much prefer to acquire the sovereignty of these islands for the United States, rather than to see it transferred to any other power. . . .

If you should succeed in making a treaty, transferring the islands to the United States, it is advisable that it should receive the ratification of the Hawaiian Government before it is sent here for the consideration of the President and the Senate.—*Ibid, pp. 362-3.*

Mr. Gregg replied:

I have succeeded in arranging the terms of a treaty of annexation with the minister of foreign relations, which meets the approval of the Crown Prince and cabinet. But it is not yet signed, and I am unable to give you any assurance that it will be immediately completed. The pretense of delay is the supposed necessity of consulting the King, which for some time has been impossible on account of His Majesty's illness. —*Ibid, p. 365.*

Extracts from the first treaty of annexation; owing to the sudden death of the King it was never signed:

ARTICLE I.

His Majesty the King of the Hawaiian Islands, acting in conformity with the power vested in him by the constitution of his Kingdom, and with the wishes of his chiefs and people, and of the heads of every Department of his government, cedes to the United States his Kingdom, with all its territory, to be held by them in full sovereignty, subject only to the same constitutional provisions as the other States of the American Union.

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ARTICLE II.

The Kingdom of the Hawaiian Islands shall be incorporated into the American Union as a State, enjoying the same degree of sovereignty as other States, and admitted as such as soon as it can be done in consistency with the principles and requirements of the Federal Constitution, to all the rights, privileges and

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immunities of a State, as aforesaid, on a perfect equality with the other States of the Union.

ARTICLE III.

His Majesty the King of the Hawaiian Islands, his chiefs and subjects of every class, shall continue in the enjoyment of all their existing personal and private rights—civil, political, and religious—to the utmost extent that is possible under the Federal Constitution and shall possess and forever enjoy all the rights and privileges of citizens of the United States, on terms of perfect equality, in all respects, with other American citizens.—*Ibid, p. 368.*

How the above treaty was received in the United States will be seen in this extract:

The draft of a treaty you have forwarded to the Department has been considered by the President, and he directs me to say that he cannot approve of some of the articles. If ratified in its present shape at Honolulu and sent hither, he would not, probably, submit it to the Senate. There are in his mind strong objections to the immediate incorporation of the islands in their present condition into the Union as an independent State. It was expected that the Hawaiian Government would be willing to offer the islands to the United States as a territory, and to leave the question in relation to their becoming a State to the determination of this Government, unembarrassed by stipulations on that point.—*Ibid, p. 374.*

Edward McCook, American Minister, wrote to Secretary Seward, June 7, 1867, as follows:

The spirit of this whole people is heartily republican and thoroughly American. The King, his half-dozen half-civilized nobles, as many cabinet ministers, and the Lord Bishop of Honolulu (Staley), constitute the entire aristocratic element of the country, either in fact or in feeling. And when this dynasty ends, as end it will probably within the next year, I am sure that if the American government indicates the slightest desire to test in these islands the last Napoleonic conception

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in the way of territorial extension you will find the people here with great unanimity "demanding by votes, freely expressed, annexation to" the United States.—*Ibid, p. 380*

Seward replied:

SIR: Circumstances have transpired here which induce a belief that a strong interest based upon a desire for annexation of the Sandwich Islands, will be active in opposing a ratification of the reciprocity treaty. It will be argued that the reciprocity will tend to hinder and defeat an early annexation, to which the people of the Sandwich Islands are supposed to be now strongly inclined. Under these circumstances, I have, first, to advise that you remain at Honolulu instead of coming to the United States, as you have before proposed.

Second. You will be governed in all your proceedings by a proper respect and courtesy to the Government and people of the Sandwich Islands; but it is proper that you should know, for your own information, that a lawful and peaceful annexation of the islands to the United States, with the consent of the people of the Sandwich Islands, is deemed desirable by this Government; and that if the policy of annexation should really conflict with the policy of reciprocity, annexation is in every case to be preferred.—*Ibid, p. 384.*

President Johnson, in annual message, Dec. 8, 1868:

The attention of the Senate and of Congress is again respectfully invited to the treaty for the establishment of commercial reciprocity with the Hawaiian Kingdom, entered into last year, and already ratified by that Government. . . A reciprocity treaty, while it could not materially diminish the revenue of the United States, would be a guaranty of the good will and forbearance of all nations until the people of the islands shall of themselves, at no distant day, voluntarily apply for admission into the Union.—*Ibid, p. 387.*

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Minister H. A. Peirce to Hamilton Fish, Secretary of State, Feb. 17, 1873:

SIR: Annexation of these islands to the United States and a reciprocity treaty between the two countries are the two important topics of conversation and warm discussion among Government officials and foreign residents.

A large majority of the latter favor the first-named project, while the former advocate reciprocity. All are convinced, however, that some measure should be taken by the Hawaiian Government to effectually stay the decline in the prosperity of the country, evidenced in decreasing exports, revenue, population, whale fishery, and an increasing public debt.

Annexation of the islands to the United States will never, in my opinion, be adopted or presented as a Government measure, however much the people as a whole may desire it. The glitter of the crown, love of power, and emoluments of office have too many attractions to prevent it. Should the great interests of the country, however, demand that "annexation" shall be attempted, the planters, merchants, and foreigners generally will induce the people to overthrow the Government, establish a republic, and then ask the United States for admittance into its Union. . . . —*Ibid, p. 394.*

The Reciprocity Treaty of 1875 began as follows:

Whereas, a convention between the United States of America and his Majesty the King of the Hawaiian Islands, on the subject of commercial reciprocity, was concluded and signed by their respective plenipotentiaries, at the city of Washington, on the thirtieth day of January, one thousand eight hundred and seventy-five, which convention, as amended by the contracting parties, is word for word as follows: . . . —*Ibid, p. 405.*

Secretary Blaine, Dec. 1, 1881, to Mr. Comly, Honolulu:

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I have shown in a previous instruction how entirely Hawaii is a part of the productive and commercial system of the American States. So far as the staple growths and imports of the islands go, the reciprocity treaty makes them practically members of an American zollverein, an outlying district oi the State of California. So far as political structure and independence of action are concerned, Hawaii is as remote from our control as China. This contradiction is only explicable by assuming what is the fact that thirty years ago, having the choice between material annexation and commercial assimilation of the islands, the United States chose the less responsible alternative. . . . —*Ibid, p. 410.*

Minister Stevens to Secretary Blaine, Feb. 8, 1892:

There are increasing indications that the annexation sentiment is growing among the business men as well as with the less responsible of the foreign and native population of the islands The present political situation is feverish, and I see no prospect of its being permanently otherwise until these islands become a part of the American Union or a possession of Great Britain. The intelligent and responsible men here, unaided by outside support, are too few in numbers to control in political affairs and to secure good government. There are indications that even the "Liberals," just beaten at the election, though composed of a majority of the popular vote, are about to declare for annexation, at least their leaders, their chief newspaper having already published editorials to this effect. At a future time, after the proposed treaty shall have been ratified, I shall deem it my official duty to give a more elaborate statement of facts and reasons why a "new departure" by the United States as to Hawaii is rapidly becoming a necessity, that a "protectorate" is impracticable, and that annexation must be the future remedy, or else Great Britain will be furnished with circumstances and opportunity to get a hold on these islands which will cause future serious embarrassment to the United States.—*Ibid, p. 422.*

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Mr. Stevens to Secretary Foster, Nov. 20, 1892:

One of two courses seems to me absolutely necessary to be followed, either bold and vigorous measures for annexation or a "customs union," an ocean cable from the Californian coast to Honolulu, Pearl Harbor perpetually ceded to the United States, with an implied but not necessarily stipulated American protectorate over the islands. . . . —*Ib. d, p. 435.*

President Dole to Mr. Willis, Minister of the United States, Dec. 23, 1893:

While we accept the decision of the President of the United States, declining further to consider the annexation proposition, as the final conclusion of the present administration, we do not feel inclined to regard it as the last word of the American Government upon this subject, for the history of the mutual relations of the two countries, of American effort and influence in building up the Christian civilization which has so conspicuously aided in giving this country an honorable place among independent nations, the geographical position of these islands, and the important and, to both countries, profitable reciprocal commercial interests which have long existed, together with our weakness as a sovereign nation, all point with convincing force to political union between the two countries, as the necessary logical result from the circumstances mentioned. This conviction is emphasized by the favorable expression of American statesmen over a long period in favor of annexation, conspicuous among whom are the names of W. L. Marcy, William H. Seward, Hamilton Fish and James G. Blaine, all former Secretaries of State, and especially so by the action of your last administration in negotiating a treaty of annexation with this Government and sending it to the Senate with a view to its ratification.

We shall therefore continue the project of political union with the United States as a conspicuous feature of our foreign policy, confidently hoping that sooner or

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later it will be crowned with success, to the lasting benefit of both countries. . . —*Ibid. Executive Document No. 70, p. 36.*

Extracts from the Treaty of Annexation made by President McKinley's Administration, 1897:

ARTICLE I. The Republic of Hawaii hereby cedes absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies; and it is agreed that all the territory of and appertaining to the Republic of Hawaii is hereby annexed to the United States of America under the name of the Territory of Hawaii.

ARTICLE III. Until Congress shall provide for the government of such islands, all the civil, judicial, and military powers exercised by the officers of the existing Government in said islands shall be vested in such person or persons, and shall be exercised in such manner, as the President of the United States shall direct; and the President shall have power to remove said officers and fill the vacancies so occasioned.

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ARTICLE VI. The President shall appoint five commissioners, at least two of whom shall be residents of the Hawaiian Islands, who shall as soon as reasonably practicable recommend to Congress such legislation concerning the Territory of Hawaii as they shall deem necessary or proper.—*Cited in "Current History," 1897, pp. 329, 330.*

President McKinley, in transmitting the Treaty to the Senate, said:

The incorporation of the Hawaiian Islands into the body politic of the United States is the necessary and fitting sequel to the chain of events which, from a very early period of our history, has controlled the intercourse and prescribed the association of the United States and the Hawaiian Islands.

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Not only is the union of the Hawaiian territory to the United States no new scheme, but it is the inevitable

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consequence of the relation steadfastly maintained with that mid-Pacific domain for three-quarters of a century. . . . While its failure in 1893 may not be a cause of congratulation, it is certainly a proof of the disinterestedness of the United States, the delay of four years having abundantly sufficed to establish the right and the ability of the Republic of Hawaii to enter, as a sovereign contractant, upon a conventional union with the United States, thus realizing a purpose held by the Hawaiian people and proclaimed by successive Hawaiian governments through some seventy years of their virtual dependence upon the benevolent protection of the United States. Under such circumstances, annexation is not a change, it is a consummation. . . . —*Current History, 1897, pp. 330, 331.*

March 16, 1898, the following Joint Resolution, drawn by Senator Morgan [Ala.] was presented to the Senate by Senator Davis:

SECTION 1. The Government of the Republic of Hawaii having in due form signified its consent in the manner provided by its constitution to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and to the Hawaiian Islands and to their dependencies, also to cede and transfer to the United States the absolute fee and ownership of all public, government, or crown lands, public buildings or edifices, forts, harbors, military equipments, and all other public property of whatever kind and description belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining; therefore be it

Resolved. That said cession be accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be and they are hereby annexed as a part of the territory of the United States and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned are vested in the United States of America. . . —*Current History, 1898, Vol. VIII., No. 1, p. 61.*

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Representative Newlands [Nev.] introduced into the House the following resolution, which was finally adopted, July 6, instead of the Senate resolution, cited above:

Whereas the Government of the Republic of Hawaii having in due form, signified its consent, in the manner provided by its constitution, to cede absolutely and without reserve to the United States of America all rights of sovereignty of whatsoever kind in and over the Hawaiian Islands and their dependencies, and also to cede and transfer to the United States the absolute fee and ownership of all public, Government, or crown lands, public buildings or edifices, ports, harbors, military equipment, and all other public property of every kind and description, belonging to the Government of the Hawaiian Islands, together with every right and appurtenance thereunto appertaining; therefore

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That said cession is accepted, ratified, and confirmed, and that the said Hawaiian Islands and their dependencies be, and they are hereby, annexed as a part of the territory of the United States, and are subject to the sovereign dominion thereof, and that all and singular the property and rights hereinbefore mentioned, are vested in the United States of America.—*Congressional Record, 1898, Vol. XXXI., Part 7, p. 6703.*

In the course of the debate of the Newlands resolution, Mr. Johnson [Ind.] said, in part:

First. That the annexation of Hawaii to the United States is not necessary as a war measure in our conflict with Spain.

Second. That the annexation of the islands is not necessary in order to prevent it from falling into the hands of some other great power, to be used by it to menace and attack our coast.

Third. That the annexation of Hawaii is of itself inherently wrong, and that it is the opening wedge which

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is designed to lead, and which will lead to still further acquisitions of insulated foreign territory, and that such a policy is against the best interest of the country, and therefore ought not to be entered upon.

Now, Sir, let us consider the first of these propositions It has been contended in this debate that the present war makes it necessary that, in order to maintain ourselves against Spain in the Philippine Islands and prevent her from sending there for our overthrow a new navy and army, which it is claimed she is likely to do, we should annex Hawaii for our use as a coaling station and for a base of supplies for our operations in the Philippines.

Mr. Speaker, this war with Spain does not furnish a single additional argument in favor of the annexation of this island that did not exist before the conflict was precipitated. It does not strengthen the position of the annexationist one particle. It furnishes simply a pretext for annexation, not a reason for it. . . .

This is one thing, Mr. Speaker, which induces me to declare that instead of the war being a reason why we should now proceed to annex Hawaii, it furnishes every reason why we should defer all action in the matter until a more suitable occasion, when we can ascertain all the facts and consequences in the premises and come to a deliberate conclusion—one which will not come back to plague us in the years that are to come.

Considering the question of the annexation of Hawaii alone and as an independent proposition, it is to my mind by all odds the gravest and most far-reaching proposition in its effect upon the American people, which they have been called upon to confront since the days of the Civil war, not even excepting the very vital question of finance itself.

But, Mr. Speaker, as I have said, the annexation of Hawaii is not the ultimatum of the annexationists. It is but the entering wedge. Permit this act to be done, and you gain an impetus which you will find it difficult to resist. Its avowed purpose, its natural tendency, its irresistible consequence means that we are to proceed still further in extending our possessions and in the

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acquisition of foreign territory in no wise contiguous to our soil.

Yes, Mr. Speaker, the question is not simply whether we shall annex Hawaii. Gentlemen need not attempt to deny it; they shall not avoid it; they must come out squarely from behind the breast works and meet us in the open on this proposition. Even now many of the newspapers of the country are declaring that we ought permanently to occupy the Philippines. This suggestion is in the very atmosphere that permeates this chamber. It is openly avowed in conversation by many members on this floor.

Mr. Speaker, our traditional doctrine, down to the time that this policy of annexation has been agitated within the last few years, has always been in favor, not of the annexation but of the independence of Hawaii. The utterances of our Presidents; of our Secretaries of State, of our diplomats, our publicists, of our legislators down until this desire for new empire has taken possession of the minds of some of our people, have been with but few exceptions, in favor of simple independence. As late as 1894, this House and the body at the other end of the Capitol, practically reiterated this doctrine in separate resolutions which were passed by the separate Houses.

Sir, pass the resolution which the minority offers in this instance as a substitute for the annexation resolution of the majority, declare to Hawaii and the world once more our old doctrine that we guarantee the independence of the island and will maintain the same, and that no foreign nation must lay hands on it, and there is not a power in the world that would dare to violate the declaration, because it would know that a violation of it simply meant a terrible and destructive war with the greatest nation of modern times.—*Congressional Record, 1898, pp. 5982, 5994, 5997.*

In 1898, the House Committee, in report No. 1355, gave the following summary of the reasons for annexation;

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It will prevent the establishment of an alien and possibly hostile stronghold in a position commanding the Pacific coast and the commerce of the North Pacific and definitely and finally secure to the United States the strategical control of the North Pacific, thereby protecting its Pacific coast and commerce from attack.

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The conditions are such that the United States must act NOW to preserve the results of its past policy, and to prevent the dominancy in Hawaii of a foreign people.

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It will increase many fold and secure to the United States the commerce of the islands.

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It will greatly increase and secure to the United States the shipping business of the islands.

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It will remove Hawaii from international politics and tend to promote peace in the Pacific by eliminating an otherwise certain source of international friction.—*House Reports, 1897-98, No. 1355, pp. 27, 29, 31, 36, 37.*

QUESTIONS.

1. When was Alaska annexed? 2. Who made the treaty? 3. How much was paid for it? 4. Trace the boundaries. 5. Draw a map to show area, situation and boundaries. 6. What rights were the inhabitants to have? 7. Give a brief history of the making of the treaty. 8. Who made the great speech in favor of ratification? 9. What reasons does he give for Russia's action in selling? 10. When did movements begin looking to the annexation of Alaska? 11. What section of the country favored? 12. What reasons were given why the United States and Russia should come to some understanding in regard to Alaska? 13. State the advantages to be gained by annexation. 14. How did Sumner feel in regard to indiscriminate annexation? 15. What was the nature of the opposition to annexation? 16. Does the constitutional right seem to have been discussed? 17. Write a history of the acquisition of Alaska.

1. When did the United States first enter into treaty relations with Hawaii? 2. Summarize the arguments in favor of a treaty of reciprocity; 3. of a treaty of annexation. 4. Give the dates at which treaties of annexation were concluded. 5. What the fate of all such treaties? 6. Why their failure? 7. What other nations

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sought Hawaii? 8. What position did the United States take in regard to any annexation by other powers? 9. Compare the terms of the various treaties. 10. What one marked difference do you note? 11. How was Alaska finally annexed? 12. Find out if any other annexation was ever made in the same way? 13. Give the arguments against annexation. 14. Find out the area of the islands; 15. their population and its character. 16. Write a history of the annexation of Hawaii. 17. Compare this annexation with previous ones. 18. Find out the difference in regard to the government of the islands and the government of previous acquisitions of territory.

Treaty of 1867

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PORTO RICO AND THE PHILIPPINES

Porto Rico. Maine destroyed, Feb. 15, 1898. War declared, April 21, 1898. Aug. 12, 1898, protocol signed. Peace treaty, Dec. 10, 1898. Porto Rico gained. Area, 3,600 square miles. Population (est.), 900,000.

The Philippines. Defeat Spanish fleet at Manila, May 1, 1898. War begins with Filipinos, Feb., 1899. Area, 140,000 square miles. Population (est.), 8,000,000.

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CHAPTER X

PORTO RICO AND THE PHILIPPINES

This chapter completes our study of the territorial growth of the United States. For the series of studies on expansion little more can be claimed than that they open up the subject, and give a fair introduction into its complicated history. A complete account of the territorial development of the United States would nearly coincide with the history of the Union. However it is believed that a large portion of the documents essential to an understanding of the subject are here brought together as has never been done before; also it is hoped that typical speeches have been chosen, and typical men made to speak on the one side and the other of the issues discussed from time to time as annexations have been made. The essential clauses in each treaty or resolution by which territory has been gained have been cited. The extracts made from controversial writings and speeches are not made in all cases because the statements made are true, but the choice has been made in order to present the views held by the one side and the other. For example the statements made by Senator Hoar may be true or false, as may be those made by Senator Lodge, for example, on the other side; but they are representative men, and the extracts show what they

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believed to be true, and the reasons in part for their conclusions. Again some solution must be reached upon the questions at issue; the extracts from Mr. Johnson and Mr. Beveridge will illustrate the opposite positions. It goes without saying that an honest effort has been made to get representative extracts, and then to let these extracts tell their own story. How successful the effort has been the author cannot say, but leaves it to his fellow teachers to decide. Of one thing a confident opinion may be expressed: namely, that a careful study of this little volume will give the pupils of the average American school a more detailed and adequate idea of the growth of the American nation, than can be secured from the material ordinarily available. The work is finished, and it is hoped that it may supply a need that the compiler has felt greatly in his own work.

The following extracts from the messages and proclamations of President McKinley give a good insight into the official side of the steps taken in the recent acquisitions of territory.—First Annual Message, Dec., 1897:

The most important problem with which this Government is now called upon to deal pertaining to its foreign relations concerns its duty toward Spain and the Cuban insurrection. Problems and conditions more or less in common with those now existing have confronted this Government at various times in the past. The story of Cuba for many years has been one of unrest, growing discontent, an effort toward a larger enjoyment of liberty and self-control, of organized resistance to the mother country, of depression after distress and war-

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fare, and of ineffectual settlement to be followed by renewed revolt. For no enduring period since the enfranchisement of the continental possessions of Spain in the Western Continent has the condition of Cuba or the policy of Spain toward Cuba not caused concern to the United States.

The prospect from time to time that the weakness of Spain's hold upon the island and the political vicissitudes and embarrassments of the home Government might lead to the transfer of Cuba to a continental power called forth between 1823 and 1860 various emphatic declarations of the policy of the United States to permit no disturbance of Cuba's connection with Spain unless in the direction of independence or acquisition by us through purchase, nor has there been any change of this declared policy since upon the part of the Government.

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The existing conditions cannot but fill this Government and the American people with the gravest apprehension. There is no desire on the part of our people to profit by the misfortunes of Spain. We have only the desire to see the Cubans prosperous and contented, enjoying that measure of self-control which is the inalienable right of man, protected in their right to reap the benefit of the exhaustless treasures of their country.

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Throughout all these horrors and dangers to our own peace this Government has never in any way abrogated its sovereign prerogative of reserving to itself the determination of its policy and course according to its own high sense of right and in consonance with the dearest interests and convictions of our own people should the prolongation of the strife so demand.

Of the untried measures there remain only; Recognition of the insurgents as belligerents; recognition of the independence of Cuba; neutral intervention to end the war by imposing a rational compromise between the contestants, and intervention in favor of one or the other party. I speak not of forcible annexation, for that can not be thought of. That, by our code of morality, would be criminal aggression.

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Sure of the right, keeping free from all offence ourselves, actuated only by upright and patriotic considerations, moved neither by passion nor selfishness, the Government will continue its watchful care over the rights and property of American citizens and will abate none of its efforts to bring about by peaceful agencies a peace which shall be honorable and enduring. If it shall hereafter appear to be a duty imposed by our obligations to ourselves, to civilization, and humanity to intervene with force, it shall be without fault on our part and only because the necessity for such action will be so clear as to command the support and approval of the civilized world.—*Richardson, Messages and Documents of the Presidents, Vol. X., pp. 127, 128, 131, 136.*

Special Message, March 28, 1898:

At forty minutes past nine in the evening of the 15th of February the *Maine* was destroyed by an explosion, by which the entire forward part of the ship was utterly wrecked. In this catastrophe 2 officers and 264 of her crew perished, those who were not killed outright by her explosion being penned between decks by the tangle of wreckage and drowned by the immediate sinking of the hull. . . . —*Ibid, p. 137.*

Message of April 11, 1898:

The long trial has proved that the object for which Spain has waged the war cannot be attained. The fire of insurrection may flame or may smoulder with varying seasons, but it has not been and it is plain that it can not be extinguished by present methods. The only hope of relief and repose from a condition which can no longer be endured is the enforced pacification of Cuba. In the name of humanity, in the name of civilization, in behalf of endangered American interests which give us the right and the duty to speak and to act, the war in Cuba must stop.

In view of these facts and of these considerations I ask the Congress to authorize and empower the President to take measures to secure a full and final termination of hostilities between the Government of Spain

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and the people of Cuba, and to secure in the island the establishment of a stable government, capable of maintaining order and observing its international obligations, insuring peace and tranquility and the security of its citizens as well as our own, and to use the military and naval forces of the United States as may be necessary for these purposes. . . . —*Ibid, p. 150.*

Second Annual Message, Dec. 5, 1898. In the Message he cites the following Joint Resolution of Congress:

First. That the people of the island of Cuba are, and of right ought to be, free and independent.

Second. That it is the duty of the United States to demand, and the Government of the United States does hereby demand, that the Government of Spain at once relinquish its authority and government in the island of Cuba and withdraw its land and naval forces from Cuba and Cuban waters.

Third. That the President of the United States be, and he hereby is, directed and empowered to use the entire land and naval forces of the United States and to call into the actual service of the United States the militia of the several States to such extent as may be necessary to carry these resolutions into effect.

Fourth. That the United States hereby disclaims any disposition or intention to exercise sovereignty, jurisdiction or control over said island, except for the pacification thereof, and asserts its determination when that is accomplished to leave the government and control of the island to its people.—*Ibid, p. 164.*

In the same Message the following paragraphs are found:

Only reluctance to cause needless loss of life and property prevented the early storming and capture of the city, and therewith the absolute military occupancy of the whole group. The insurgents meanwhile had resumed the active hostilities suspended by the uncompleted truce of December, 1897. Their forces invested Manila from the northern and eastern sides, but were

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constrained by Admiral Dewey and General Merritt from attempting an assault. It was fitting that whatever was to be done in the way of decisive operations in that quarter should be accomplished by the strong arm of the United States alone. Obeying the stern precept of war which enjoins the overcoming of the adversary and the extinction of his power wherever assailable as the speedy and sure means to win a peace, divided victory was not permissible, for no partition of the rights and responsibilities attending the enforcement of a just and advantageous peace could be thought of.

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The last scene of the war was enacted at Manila, its starting place. On August 15, after a brief assault upon the works by the land forces, in which the squadron assisted, the capital surrendered unconditionally. The casualties were comparatively few. By this the conquest of the Philippine Islands, virtually accomplished when the Spanish capacity for resistance was destroyed by Admiral Dewey's victory of the 1st of May, was formally sealed. . . . —*Ibid, pp. 168, 169, 172.*

The following articles of the protocol with Spain of August 12, give the essentials for an understanding of the preliminary terms of peace.

ARTICLE I. Spain will relinquish all claims of sovereignty over and all title to Cuba.

ARTICLE II. Spain will cede to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and also an island in the Ladrones to be selected by the United States.

ARTICLE III. The United States will occupy and hold the city, bay and harbor of Manila pending the conclusion of a treaty of peace which shall determine the control, disposition, and government of the Philippines.—*Ibid, p. 174.*

Concerning Porto Rico he says:

. . . The Porto Rican Joint Commission speedily accomplished its task, and by the 18th of October the

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evacuation of the island was completed. The United States flag was raised over the island at noon on that day. The administration of its affairs has been provisionally intrusted to a military governor until the Congress shall otherwise provide. . . . —*Ibid, p. 175.*

The Philippine question may be studied from orders sent by the President to General Merritt, August 17, 1898:

The President directs that there must be no joint occupation with the insurgents. The United States, in the possession of Manila City, Manila Bay and Harbor, must preserve the peace and protect persons and property within the territory occupied by their military and naval forces. The insurgents and all others must recognize the military occupation and authority of the United States and the cessation of hostilities proclaimed by the President. Use whatever means in your judgment are necessary to this end. All law-abiding people must be treated alike.—*Ibid, p. 217.*

The Secretary of War was addressed, December 21, 1898, in the following language:

Sir: The destruction of the Spanish fleet in the harbor of Manila by the United States naval squadron commanded by Rear-Admiral Dewey, followed by the reduction of the city and the surrender of the Spanish forces, practically effected the conquest of the Philippine Islands and the suspension of Spanish sovereignty therein.

With the signature of the treaty of peace between the United States and Spain by their respective plenipotentiaries at Paris, on the 10th instant, and as the result of the victories of American arms, the future control, disposition and government of the Philippine Islands are ceded to the United States. In fulfillment of the rights of sovereignty thus acquired and the responsible obligations of government thus assumed, the actual occupation and administration of the entire group of the Philippine Islands becomes immediately necessary, and the military government heretofore maintained by the

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United States in the city, harbor and bay of Manila is to be extended with all possible dispatch to the whole of the ceded territory.—*Ibid, p. 219.*

To the Secretary of State the President says:

My communication to the Secretary of War dated December 21, 1898, declares the necessity of extending the actual occupation and administration of the city, harbor, and bay of Manila to the whole of the territory which by the treaty of Paris, signed on December 10, 1898, passed from the sovereignty of Spain to the sovereignty of the United States and the consequent establishment of military government throughout the entire group of the Philippine Islands.

While the treaty has not yet been ratified, it is believed that it will be by the time of the arrival at Manila of the commissioners named below. In order to facilitate the most humane, specific, and effective extension of authority throughout these islands and to secure with the least possible delay the benefits of a wise and generous protection of life and property to the inhabitants, I have named Jacob G. Schurman. Rear-Admiral George Dewey, Major-General Elwell S. Otis, Charles Denby, and Dean C. Worcester to constitute a commission to aid in the accomplishment of these results.—*Ibid, p 222.*

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The following are the most important articles of the treaty between Spain and the United States as far as the acquisition of territory is concerned:

The United States of America and Her Majesty the Queen Regent of Spain, in the name of her august son, Don Alfonso XIII., desiring to end the state of war now existing between the two countries, have for that purpose appointed as plenipotentiaries: . .

ARTICLE 1. Spain relinquishes all claim of sovereignty over and title to Cuba.

And as the island is, upon its evacuation by Spain, to be occupied by the United States, the United States will, so long as such occupation shall last, assume and

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discharge the obligations that may under international law result from the fact of its occupation for the protection of life and property.

ARTICLE 2. Spain cedes to the United States the island of Porto Rico and other islands now under Spanish sovereignty in the West Indies, and the island of Guam, in the Marianas or Ladrones.

ARTICLE 3. Spain cedes to the United States the archipelago known as the Philippine Islands, and comprehending the islands lying within the following lines:

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The United States will pay to Spain the sum of $20,000,000 within three months after the exchange of the ratifications of the present treaty.

ARTICLE 9. Spanish subjects, natives of the peninsula, residing in the territory over which Spain by the present treaty relinquishes or cedes her sovereignty, may remain in such territory or may remove therefrom, retaining in either event all their rights of property, including the right to sell or dispose of such property or of its proceeds; and they shall also have the right to carry on their industry, commerce, and professions, being subject in respect thereof to such laws as are applicable to other foreigners. In case they remain in the territory, they may preserve their allegiance to the Crown of Spain by making, before a court of record, within a year from the date of the exchange of ratifications, of this treaty, a declaration of their decision to preserve such allegiance, in default of which declaration they shall be held to have renounced it and to have adopted the nationality of the territory in which they may reside.

The civil rights and political status of the native inhabitants of the territories hereby ceded to the United States shall be determined by the congress.

ARTICLE 10. The inhabitants of the territories over which Spain relinquishes or cedes her sovereignty shall be secured in the free exercise of their religion.—*Cited in "Current History" 1898, Appendix, pp. 1018-20*

Resolution introduced by Senator Vest [Mo.] December 6, 1898, tells its own story:

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Resolved by t e Senate and House of Repres ntatives of the United States of America in Congress assembled, That under the constitution of the United States no power is given to the Federal Government to acquire territory to be held and governed permanently as colonies.

The colonial system of European nations can not be established under our present constitution, but all territory acquired by the government, except such small amount as may be necessary for coaling stations, correction of boundaries, and similar governmental purposes, must be acquired and governed with the purpose of ultimately organizing such territory into States suitable for admission into this Union.—*Congressional Record, Vol. 32, part I, 1898, p. 432.*

Mr. Caffery [La.] spoke on the above resolution, January 6, 1899, in part, as follows:

Mr. President, we have heard some startling doctrines announced on the floor in regard to the power of the Government of the United States over all Territories. Without limitation, without modification, Congressional power is set up to be supreme over them, without a check in any direction. That proposition is fraught with more danger to our institutions than any other before made in this House or in the other. Here is the declaration made in the speech of the Senator from Connecticutt (Mr. Platt,) which was delivered in the Senate on the 19th of December, 1898:

"I propose to maintain that the United States is a nation; that as a nation it possesses every sovereign power not reserved in its Constitution to the States or the people: that the right to acquire territory was not reserved, and is therefore an inherent sovereign right; that it is a right upon which there is no limitation, and with regard to which there is no qualification; that in certain instances the right may be inferred from specific clauses in the Constitution, but that it exists independent of these clauses: that in the right to acquire territory is found the right to govern it; and as the right to acquire is a sovereign and inherent right, the

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right to govern is a sovereign right not limited in the Constitution, and that these propositions are in accordance with the views of the framers of the Constitution, the decisions of the Supreme Court, and the legislation of Congress."

Here, sir, is the bold proposition advanced that the right to govern is unlimited, as broad, as imperial as the right to acquire, and that there is no limitation to it in the Constitution.—*Ibid, p. 433.*

Mr. President, I propose to show that we have never yet acquired any territory, except possibly in the case of Hawaii and except possibly in the case of Alaska, that was not intended to be, and, in fact, afterwards actually became, carved into States, and that the principle of holding territory in perpetuum to be governed despotically by Congress, never obtained in the United States. I have excepted possibly the case of Alaska. It was thought to be too b eak and barren for settlement. If it cannot be settled, but will remain a waste, no harm is done. If settled, it must be settled by whites, and if they settle it and form a State, the policy of our Government in the past will be pursued.—*Ibid, pp. 433, 434.*

Mr. Mason [Ill.] January 7, 1899, introduced the following resolution:

Whereas all just powers of government are derived from the consent of the governed; Therefore, be it

Resolved by the Senate of the United Sta'es, That the Government of the United States of America will not attempt to govern the people of any other country in the world without the consent of the people themselves, or subject them by force to our domination against their will.—*Ibid, p. 466.*

Mr. Hoar [Mass.] January 9, 1899, says:

Mr. President, I am quite sure that no man who will hear or who will read what I say to-day will doubt that nothing could induce me to say it but a commanding sense of public duty. I think I dislike more than most men to differ from men with whom I have so long and

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so constantly agreed. I dislike to differ from the President, whose election I hailed with such personal satisfaction and such exulting anticipations for the Republic. I dislike to differ from so many of my party associates in this Chamber, with whom I have for so many years trod the same path and sought the same goal. . . .

Certainly, Mr. President, no man can ever justly charge me with a lack of faith in my countrymen, or a lack of faith in the principles on which the Republic is founded. If during thirty years' service within these walls, or during fifty years of constant, active and absorbed interest in public affairs, there has ever come from my lips an utterance showing lack of faith in the people, in the Republic, in country, in liberty, or in the future, let them be silent now. . . .

After all, I am old-fashioned enough to think that our fathers, who won the Revolution and who framed the Constitution, were the wisest builders of states the world has yet seen. I think they knew where to seek for the best lessons of experience and they knew how to lay down the rules which should be the best guides for for their descendants. They did not disdain to study ancient history. They knew what caused the downfall of the mighty Roman Republic. They read, as Chatham said he did, the history of the freedom, of the decay, and the enslavement of Greece. They knew to what she owed her glory and to what she owed her ruin. They learned from her the doctrine that while there is little else that a democracy cannot accomplish it cannot rule over vassal states or subject peoples without bringing in the elements of death nto its own constitution. . . .

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The Senator further goes on to taunt me with doubt and fear. Well, Mr. President, I do not think that I have been, am now, or am likely to be in a condition of much doubt in regard to this transaction. I am compelled to part company with the Senator. But I am very confident I am in a company of the framers of the Constitution, the signers of the Declaration, the men of the Revolution, and the great statesmen and lovers of liberty of every generation since until six months ago.

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As to fear, I will return the kindness of my honorable friend by suggesting to him that there is a fear which I hopes ome time may possess him, which is defined by the highest authority as the beginning of wisdom. It is the fear of the Lord; the fear of doing wrong; the fear of usurping power; the fear of violating trusts; the fear of violating the highest trust ever committed to mortal man—a restrained, delegated, and specific political power entrusted to him for public ends, for the service of liberty and the benefit of the people.

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I hope not to weary the Senate by reiteration. But this is the greatest question, this question of the power and authority of our Constitution in this matter, I had almost said, that had been discussed among mankind from the beginning of time. Certainly it is the greatest question ever discussed in this Chamber from the beginning of the Government. The question is this: Have we the right, as doubtless we have the physical power, to enter upon the government of ten or twelve million subject people without constitutional restraint? Of that question the Senator from Connecticut takes the affirmative. And upon that question I desire to join issue.

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I shall take but a very few minutes more. Charles Sumner affirmed repeatedly, and the people of Massachusetts supported him in that affirmation what at last the whole Republican party, and I have thought till within the last six months the whole country, had come to believe, that the Declaration of Independence is co-equal with the Constitution, the one being a grant of power and the other a sovereign rule of interpretation.

Charles Sumner says:

"The words that governments derive their just powers from the consent of the governed are sacred words, full of life-giving energy. Not simply national independence was here proclaimed, but also the primal rights of all mankind. Then and there appeared the angel of human liberation, speaking and acting at once

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with heaven born strength, breaking bolts, unloosing bonds, and opening prison doors; always ranging on its mighty errand, wherever there are any, no matter of what country or race, who struggle for rights denied; now cheering Garibaldi at Naples, as it had cheered Washington in the snows at Valley Forge, and especially visiting all who are downtrod, whispering that there is none so poor as to be without rights which every man is bound to respect, none so degraded as to be beneath its beneficent reach, none so lofty as to be above its restraining power."

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. . . Ah, Mr. President, shall we turn it [the painting of the signing of the Declaration of Independence] with its face to the wall? Shall the scroll first be stricken from the hand of Jefferson and another put there which shall read:

"Governments derive their just powers from the consent of the governed—some of them. Men are created equal—some of them. Taxation and representation go together—for us, not for other men. Life, liberty, and the pursuit of happiness are held in the Philippine Islands at our will, and not at the will of the people."

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At the close of the nineteenth century the American Republic, after its example in abolishing slavery has spread through the world, is asked by the Senator from Connecticut to adopt a doctrine of constitutional expansion on the principle that it is right to conquer, buy, and subject a whole nation if we happen to deem it for their good—for their good as we conceive it, and not as they conceive it.

Mr. President, Abraham Lincoln said, "No man was ever created good enough to own another." No nation was ever created good enough to own another.

No single American workman, no humble American home, will ever be better or happier for the constitutional doctrine which the Senator from Connecticut proclaims. If it be adopted here not only the workman's wages will be diminished, not only will the burden of taxation be increased, not only like the peasant of Europe, will he be born with a heavy debt about

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his neck and will stagger with an armed soldier upon his back, but his dignity will be dishonored and his manhood discrowned by the act of his own Government.—*Ibid, pp. 494, 499, 500, 501.*

Mr. Mason [Ill.] Jan. 10, 1899, speaks on his resolution:

The proposition, however, followed by the Senator from Massachusetts (Mr. Hoar), and to which I wish to invite the attention of my distinguished friend from Ohio (Mr. Foraker)—and he knows with what sincerity I say "my friend"—is to the effect, first, that we have no right to acquire territory for an unconstitutional purpose; second, that the Constitution must be interpreted in the light of the Declaration of Independence, and, therefore, third, that we have no right under the Constitution to acquire territory for the purpose of governing a people without their consent.

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I had hoped for some power of language that the old masters were said to have who stood within this forum in the past. I have almost prayed for some magnetic power that I could turn the tide for the liberty of those people, for some magnetic power that I could draw you so close that I could write in living letters upon your hearts the word "Liberty." Not liberty, Mr. President, for your family as I prescribe it, not liberty for me or my children by your dictation, not Austrian liberty for Hungary, not Spanish liberty for Cuba, not English liberty for the United States, aye, and not American liberty for the Philippines, but universal liberty—universal liberty for which our fathers died.

Jan. 11, 1899, Mr. Bacon introduced the following resolutions:

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled,

First. That the Government and people of the United States have not waged the recent war with Spain for conquest and for the acquisition of foreign territory, but solely for the purposes set forth in the

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resolution of Congress making the declaration of said war, the acquisition of such small tracts of land or harbors as may be necessary for governmental purposes being not deemed inconsistent with the same.

Second. That in demanding and in receiving the cession of the Philippine Islands it is not the purpose of the Government of the United States to secure and maintain dominion over the same as a part of the territory of the United States, or to incorporate the inhabitants thereof as citizens of the United States, or to hold said inhabitants as vassals or subjects of this Government.

Third. That whereas at the time of the declaration of war by the United States against Spain, and prior thereto, the inhabitants of the Philippine Islands were actively engaged in a war with Spain to achieve their independence, and whereas said purpose and the military operations thereunder have not been abandoned, but are still being actively prosecuted thereunder, therefore, in recognition of and in obedience to the vital principles announced in the great declaration that governments derive "their just powers from the consent of the governed," the Government of the United States recognizes that the people of the Philippine Islands of a right ought to be free and independent; that, with this view and to give effect to the same, the Government of the United States has required the Government of Spain to relinquish its authority and government in the Philippine Islands and to withdraw its land and naval forces from the Philippine Islands and from the waters thereof.

Fourth. That the United States hereby disclaim any disposition or intention to exercise sovereignty, jurisdiction or control over said islands, and assert their determination, when an independent government shall have been duly erected therein entitled to recognition as such, to transfer to said government, upon terms which shall be reasonable and just, all rights secured under the cession by Spain, and to thereupon leave the government and control of the islands to their people. —*Ibid, p. 561.*

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Senator Foraker [O.] says:

I am willing to trust the administration; I am willing to trust the institutions of this Government and the people of this Government to do justice to the Filipinos. I have no sympathy whatever Mr. President, and I do not believe the Administration has, with the war which some people talk about making on Aguinaldo and his followers in their struggle for liberty and independence, and I have no sympathy whatever with the talk that is indulged in in some places about making war on Gomez and his followers who have been struggling for the liberation of Cuba. In due time all that will be reached and considered. But I say now that this case, as every other case, must stand or fall on its own merits and be measured by its own facts, conditions, and circumstances.

I know whereof I speak when I say that of the four things we had the choice of doing—giving the islands back to Spain, giving them to other countries, leaving them to anarchy, or taking them ourselves—the President acted most wisely when he concluded that we should take them ourselves; and he comes now and says, when he submits this treaty, "You put me to war; here is the result; here are these people: do with them as you like." It is for the Congress of the United States to investigate and find out about the islands of the Philippines, what kind of inhabitants they may have, whether or not they are capable of government, and whether or not they want government, or whether or not only a few want government.

I wish, in concluding, to submit and have printed at the close of my remarks the order made by the president with respect to the Philippine Islands, dated December 21, 1898. I shall not stop to read it but I submit it and ask that it may go into the record simply that the spirit with which he has undertaken to do what he is doing may be made manifest.—*Ibid, p. 572.*

Mr. Bacon speaks on his resolutions, January 18, 1899, in part, in these words:

Mr. President, those with whom I am in sympathy in

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this discussion do not favor the acquisition by the United States of distant territory, of territory so remote as not to be within the proper sphere of the influence of the United States, and more especially of territories peopled by an altogether alien and different race. Further than that, we do not believe that it is consistent with our views and in harmony with the principles of our government that any territory, speaking generally, should be annexed to the United States against the will of the people inhabiting such territory. We do not believe that it is possible to safely incorporate as a State any community lying on the opposite side of the globe. We do not believe that it is either to the interest or within the governmental power of this country to annex territory with a view to its being held as a colony, and its citizens, or rather its inhabitants, held as vassals.—*Ibid, p. 733.*

Mr. Lodge [Mass.] says:

My own views as to our constitutional rights and powers are simple and well defined, and have not been formed without some study, both of our constitution and our history. I shall content myself with stating them. I believe that the United States has the undoubted power, which it has frequently exercised, to acquire territory and to hold and govern it. I am ready to admit if necessary that actions in these directions must be taken for constitutional purposes, but the constitutionality of the purposes, when Congress is about to exercise these or any other powers, must be determined by Congress itself through its majority. I believe that the power of the United States in any territorial possession outside of the limits of the States themselves is absolute, with the single exception of the limitation placed upon such outside possessions by the thirteenth amendment.

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Constitutions do not make people; people make constitutions. Our constitution is great and admirable, because the men who made it were so and the people who ratified it and lived under it were and are brave, intelligent, and lovers of liberty. There is a higher sanction and a surer protection to life and liberty, to

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the right of free speech and trial by jury, to justice and humanity, in the traditions, the beliefs, the habits of mind, and the character of the American people than any which can be afforded by any constitution, no matter how wisely drawn. If the American people were disposed to tyranny, injustice, and oppression, a constitution would offer but a temporary barrier to their ambitions, and the reverence for the constitution, and for law and justice grows out of the fact that the American people believe in freedom and humanity, in equal justice to all men, and in equal rights before the law, and while they so believe, the great doctrines of the Declaration of Independence and of the Constitution will never be in peril.

To the American people and their Government I am ready to intrust my life, my liberty, my honor; and what is far dearer to me than anything personal to myself, the lives and the liberty of my children and my children's children. If I am ready thus to trust my children to the Government, which the American people create and sustain, am I to shrink from intrusting to that same people the fate and fortune of the inhabitants of the Philippine Islands? I have beheld with amazement the specters of wrong doing which have been conjured up here and charged as possible to the American people. I have been astonished to hear outside this Chamber men who for three years watched unmoved the torture of Cuba, pleading with fervid eloquence for the Filipinos, just rescued by us from Spain, against the possible cruelty which Americans might inflict upon them. . . . —*Ibid, pp. 958, 959.*

From Senator Teller [Colo.]:

Mr. President, I do not pretend at the present time to go into any discussion of this question except to say that the precedents which I have presented, commencing with 1803 and extending to the organization of Oklahoma Territory in 1890, show that it has been the legislative idea in this country that the Constitution of the United States and the statutes of the United States do not go by their own force into the Territories. This is in accordance with a great number of decisions of

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the Supreme Court of the United States, commencing with the decision made by Chief Justice Marshall, who has rightfully been called the expounder of the constitution.—*Ibid*, 1. *963*.

Senator Geo. F. Hoar, after studying the documents and reports respecting the Philippine question, draws the following conclusions:

. . . They [the documents, etc.] establish, beyond reasonable doubt, clearly:

One. That Aguinaldo is an honest, patriotic, and brave man. Indeed, that is the express testimony of Mr. Schurman, president of Cornell University, and president of the commission appointed by our Government to investigate matters there.

Two. That Aguinaldo was the chosen leader of the people of the Philippine Islands.

Three. That that people have from the beginning desired independence and desire it now.

Four. That this desire was communicated to our commanders when they gave them arms, accepted their aid, and brought Aguinaldo from his exile when he was put in command of 30,000 Filipino soldiers, who were already in arms and organized.

Five. That the people of the Philippine Islands, before we fired upon their troops, had delivered their own land from Spain, with the single exception of the town of Manila, and that they hemmed in the Spanish troops on land by a line extending from water to water.

Six. That we could not have captured the Spanish garrison, which was done by an arrangement beforehand, upon a mere show of resistance but for the fact that they were so hemmed in by Aguinaldo's forces and could not retreat beyond the range and fire of the guns of our fleet.

Seven. That during all this period from the beginning to the final conflict the Filipinos were repeatedly informing our Government, not only by communications addressed to the commanders on land and sea, but by those addressed to the President of the United States, that they desired their freedom, and that they

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were never informed of any purpose on our part to subdue them.

Eight. That they were fit for independence. They had churches, libraries, works of art and education. They were better educated than many American communities within the memory of some of us. They were eager and ambitious to learn. They were governing the entire island, except Manila, in order and quiet, with municipal governments, courts of justice, schools, and a complete constitution resting upon the consent of the people. They were better fitted for self-government than any country on the American continent south of us, from the Rio Grande to Cape Horn; or than San Domingo or Haiti, when these countries, respectively, achieved their independence, and are fitter for self-government than some of them now. They are now as fit for self-government as was Japan when she was welcomed into the family of nations.

Nine. That the outbreak of hostilities was not their fault, but ours.—*Congressional Record, April 12, 1900, pp. 43, 44.*

Senator Cullom [Ill.] discusses the constitutional question as follows:

There has been much said about the Constitution of and by its own force "following the flag;" that "whenever the sovereignty of the United States is established over any territory," then and there *ex proprio vigore* the Constitution is in force, without any action by Congress. Mr. President, I do not agree to that. In my judgment, such doctrine is not sound: and if I may refer to parties in this Senate, it has never been believed by the Republican party that that was the true doctrine.

In the first national convention of the Republican party, held in Philadelphia in 1856, the following declaration was made:

Resolved, That the Constitution confers on Congress the sovereign powers over the Territories of the United States for their government.

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Mr. President, many people of the United States seem to regard the new possessions acquired by American arms and deeded to us by Spain in accordance with the treaty of Paris, proclaimed at Washington, April 11, 1899, as being fully annexed to the United States and entitled to the same rights and treatment as one of our home Territories. The truth is that Congress, under the Constitution, can give to the Porto Ricans such a form of Government as is deemed best for them and for us.

I do not believe that the Constitution of the United States puts Congress in a straight-jacket and requires a particular form of government for every new acquisition of territory. We can give them a territorial form of government, such as is our usual form. We can govern them by a commission, by a military governor, or govern them as colonies or dependencies. So far as I am concerned, I believe in the ordinary Territorial form of government: but so far as the Constitution is concerned, I do not regard the country as tied down to any particular form.

There is no division among the majority in either House as to the power of Congress to legislate on this subject. The majority all agree that the Constitution does not extend by its own power over these new possessions, and that Congress can legislate for them as it deems wise, subject only to the prohibitions upon Congress in the Constitution. The Democratic party accepted the other view, that the Constitution does extend by its own force into the territories. . . .
—*Congressional Record, April 2, 1900, pp. 3875, 3877.*

Extracts from the speech of Senator Beveredge [Ind.] Jan. 9, 1900:

The Secretary read the joint resolution (S. R. 53) defining the policy of the United States relative to the Philippine Islands, as follows:

Be it resolved by the Senate and House of Representatives of the United States of America in Congress assembled, That the Philippine Islands are territory belonging to the United States; that it is the intention of

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the United States to retain them as such and to establish and maintain such governmental control throughout the archipelago as the situation may demand.

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Mr. President, the times call for candor. The Philippines are ours forever, "territory belonging to the United States," as the Constitution calls for. And just beyond the Philippines are China's illimitable markets. We will not retreat from either. We will not repudiate our duty in the archipelago. We will not abandon our opportunity in the Orient. We will not renounce our part in the mission of our race, trustee, under God, of the civilization of the world. And we will move forward to our work, not howling out regrets like slaves whipped to their burdens, but with gratitude for a task worthy of our strength, and thanksgiving to Almighty God that He has marked us as His chosen people, henceforth to lead in the regeneration of the world.

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Here, then, Senators, is the situation. Two years ago there was no land in all the world which we could occupy for any purpose. Our commerce was daily turning toward the Orient, and geography and trade developments made necessary our commercial empire over the Pacific. And in that ocean we had no commercial, naval, or military base. To-day we have one of the three great ocean possessions of the globe, located at the most commanding commercial, naval, and military points in the eastern seas, within hail of India, shoulder to shoulder with China, richer in its own resources than any equal body of land on the entire globe, and peopled by a race which civilization demands shall be improved. Shall we abandon it? That man little knows the common people of the Republic, little understands the instincts of our race, who thinks we will not hold it fast and hold it forever, administering just government by simplest methods. We may trick up devices to shift our burden and lessen our opportunity; they will avail us nothing but delay. We may tangle conditions by applying academic arrangements of self-government to

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a crude situation; their failure will drive us to our duty in the end.

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The nation's power to make rules and regulations for the government of its possessions is not confined to any given set of rules or regulations. It is not confined to any particular formula of laws or kinds of government or type of administration. Where do Senators find constitutional warrant for any special kind of government in "territory belonging to the United States?" The language affirming our power to govern such territory is as broad as the requirements of all possible situations. And there is nothing in the Constitution to limit that comprehensive language. The very reverse is true. For power to administer government anywhere and in any manner the situation demands would have been in Congress if the Constitution had been silent, not merely because it is a power not reserved to the State or people; not merely because it is a power inherent in and an attribute of nationality; not even because it might be inferred from other specific provisions of the Constitution; but because it is the power most necessary for the ruling tendency of our race—the tendency to explore, expand and grow, to sail new seas and seek new lands, subdue the wilderness, revitalize decaying peoples, and plant civilized and civilizing governments over all the globe.—*Congressional Record, Senate, Jan. 9, 1900.*

After reading the following bill, Senator Henry Cabot Lodge spoke, in part, as quoted below:

Be it enacted, etc., That when all insurrection against the sovereignty and authority of the United States in the Philippine Islands, acquired from Spain by the treaty concluded at Paris on the 10th day of December, 1898, shall have been completely suppressed by the military and naval forces of the United States, all military, civil, and judicial powers necessary to govern the said islands shall, until otherwise provided by Congress, be vested in such person and persons, and shall be ex-

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ercised in such manner as the President of the United States shall direct for maintaining and protecting the inhabitants of said islands in the free enjoyment of their liberty, property, and religion.

MR. LODGE. This bill, Mr. President, is simple but all sufficient. It makes no declarations and offers no promises as to a future we can not yet predict. It meets the need of the present and stops there. . . .

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. . . I hope and believe that we shall retain the islands, and that, peace and order once restored, we shall and should reestablish civil government, beginning with the towns and villages, where the inhabitants are able to manage their own afiairs. We should give them honest administration, and prompt and efficient courts. We should see to it that there is entire protection to persons and property, in order to encourage the development of the islands by the assurance of safety to investors of capital. All men should be protected in the free exercise of their religion, and the doors thrown open to missionaries of all Christian sects. The land, which belongs to the people, and of which they have been robbed in the past, should be returned to them and their titles made secure. We should inaugurate and carry forward, in the most earnest and liberal way, a comprehensive system of popular education. Finally, while we bring prosperity to the islands by developing their resources, we should, as rapidly as conditions will permit, bestow upon them self-government and home rule. Such, in outline, is the policy which I believe can be and will be pursued toward the Philippines. It will require time, patience, honesty, and ability for its completion, but it is thoroughly practicable and reasonable.—*Congressional Record, Senate, Marc 7, 1900.*

Senator Chauncey Depew's position on the present problem is indicated in the following extracts:

It has been repeatedly said here that government by the United States in these islands will be a despotism,

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Such a belief shows a singular ignorance or misapprehension of the constitutional limitation upon our powers and the spirit of our constitution. While the constitution does not extend over the Territories of its own force and without legislation, its prohibitions are binding on Congress. In those prohibitions, which are also privileges enjoyed by the people wherever our jurisdiction extends, is a complete charter of rights which Congress can neither limit or impair. All personal privileges and immunities, such as religious freedom, property rights, freedom of speech and the press, and equality before the law must prevail wherever our flag floats. But outside of the Constitution and laws is an unwritten law created by the genius of the institutions of the paramount power and controlling its acts and officials in all colonial governments.

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This is not a sordid view, nor can any right apprehension of our Philippine policy or our relation to our island colonies be sordid or purely commercial. Commerce and civilization always go together. In spite of ourselves we have colonial possessions. We have no policy to declare, no glittering resolutions or proclamations to make and in the future to embarrass us. We will stamp out the insurrection and establish a stable government. We will organize local government. We will constitute courts. We will insure with the whole power of the United States security for life and property, freedom of religion and equal and just administration of the law.

The kindergarten of liberty, under proper instructors, rapidly develops its pupils for larger possibilities for citizenship, respect for law, for judicial duties and for a constantly increasing share in their local and general assemblies. One year of rule by the United States in Cuba is a convincing object lesson. Brigands have become farmers, and revolutionists conservative citizens. Order has taken the place of anarchy, and law of license. The Cubans are developing their industries and rapidly acquiring habits of self-government. So the uplifting of the people of the Philippines to the comprehension and practice of orderly industry,

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respect for individual rights, confidence and then participation in government will add enormously to their happiness and reciprocally to the strength, prosperity and power of our country.—*Congressional Record, Senate, March 7, 1900.*

QUESTIONS.

1. Give an account of the steps that led up to the war with Spain. 2. What means did President McKinley take to try to avoid war? 3. What event evidently had much to do with causing the war? 4. What power did the President ask? 5. What spirit animated Congress when it declared war? 6. How can you prove your answer? 7. What position was taken in the Second Annual Message in regard to the gaining of Manila? 8. What territory does the President claim was gained by the capture of Manila? 9. What territory was to go to the United States by the terms of the protocol? 10. What is a protocol? 11. What claim was made by the Filipinos? 12. On what grounds did they make their claim? 13. What claim was made in regard to the effect of the Treaty of Peace in regard to the acquisition of territory in the Philippines?

1. Give the terms of the Treaty of Peace. 2. Compare the resolutions introduced respecting the disposition that should be made of the Philippines. 3. What constitutional question was raised in this discussion? 4. Was the same question raised in 1803? 5. Give the constitutional arguments of the friends of annexation; 6. the same for those opposed. 7. Give the arguments based on expediency of the friends of annexation; 8. the same for those opposed. 9. Compare these arguments. 10. What is the fundamental question in dispute?

1. Trace the constitutional questions which have divided men from 1803 to 1900. 2. Show what changes have taken place. 3. What are the essential differences in the earlier and the last annexations? 4. Make a map to show the territorial possessions at each era of our growth. 5. Discuss the question of the results of expansion—what the dangers—what the advantages? 6. Write the history of our territorial development. 7. Make a list of the Presidents under whom expansion took place. 8. Make a list of statesmen who have opposed acquisition of territory; of those who have favored.

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CHRONOLOGY

1492. Discovery of America.
1497. The Cabots on the coast of North America.
1513. Florida discovered. The Pacific Ocean first seen.
1519-22. First circumnavigation of the world.
1519-21. The Mississippi discovered by De Soto.
1565. Florida settled by Spaniards.
1584-87. Sir Walter Raleigh's attempt at colonization.
1607. Jamestown settled. Captain John Smith.
1608. Quebec founded by French.
1609. Hudson river discovered by Dutch.
1619. House of Burgesses. Slaves introduced into Virginia.
1620. Pilgrims land at Plymouth.
1630. Boston founded.
1634. Maryland settled. Religious toleration.
1636. Harvard college founded. Roger Williams settles Rhode Island. Pequod war.
1638. New Haven founded; Swedes settled Delaware.
1639. First written Constitution—"Fundamental Orders" of Connecticut.
1643. New England Confederacy.
1656-61. Persecution of Quakers in Massachusetts.
1664. New York captured by the English.
1665. English settle New Jersey.
1675. King Philip's war.
1676. Bacon's rebellion.
1682. Pennsylvania founded by Penn.
1691. Massachusetts New Charter. Leisler executed.
1692. William and Mary College founded. Witchcraft delusion.
1701. Yale College founded.
1704. Boston News Letter—First American newspaper.
1718. New Orleans founded by the French.
1733. Oglethorpe founds Savannah, Ga.
1746. College of New Jersey, Princeton founded.
1749. University of Pennsylvania founded.
1754. Albany convention.
1754-63. French and Indian war.
1759. Wolfe takes Quebec.
1763. Peace of Paris; Canada gained by English, Mason and Dixon's Line.

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1765. Stamp Act Congress; Patrick Henry's resolutions; "Sons of Liberty."
1766. Repeal of Stamp Act; The Declaratory Act.
1767. Townshend Revenue Act; Dickinson's Farmer's Letters.
1768. British Troops in Boston.
1770. Repeal Townshend Act. "Boston Massacre."
1771. Tryon's war in North Carolina.
1772. The "Gaspee" burned; Committees of Correspondence in Massachusetts.
1773. Boston "Tea Party;" Intercolonial Committees of Correspondence.
1774. Boston Port Bill; Massachusetts Charter Bill; Quartering Troops; Quebec Act; First Continental Congress.
1775. War begins; Lexington; Ticonderoga. Second Continental Congress. Washington, Commander-in-Chief; Bunker Hill.
1776. Declaration of Independence; Boston evacuated; Americans defeated at New York and in New Jersey; Trenton; "Common Sense" by Thos. Paine.
1777. Surrender of Burgoyne; Articles of Confederation sent to the States; "Valley Forge."
1778. France makes treaty with States. George Rogers Clark in Illinois, etc.
1779. War in South.
1780. War in South; Arnold's treason; André; Gen. Green.
1781. Cornwallis surrenders. Robert Morris head of finances. Confederacy completed. Bank of North America.
1783. Treaty of peace.
1784. First Ordinance for Northwest Territory.
1785. Maryland and Virginia Commissions meet.
1786. Annapolis Convention.
1787. Constitutional Convention. "Ordinance of 1787."
1788. Constitution ratified by ten states.
1789. Government under the new Constitution begun; Washington President. North Carolina ratifies the Constitution.
1790. Rhode Island accepts the Constitution.
1791. Ten Amendments adopted. Bank chartered. Parties formed. Kentucky a State. Assumption.
1792. Columbia river discovered. French Republic established. Vermont a State.
1793. Genet and neutrality. Cotton gin. Fugitive Slave Law.
1794. Whiskey Insurrection. Jay's Treaty.
1795. Excitement over Jay Treaty; Treaty with Spain.

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1796. "Posts" delivered. Washington's Farewell Address. Tennessee a State.
1797. John Adams President.
1798. X. Y. Z. affair; Alien Laws; Sedition Law; Virginia and Kentucky Resolutions.
1799. Kentucky Resolutions. Army Intrigue. Washington dies.
1800. Treaty with France. Washington City becomes the Capitol. Jefferson-Burr contest.
1801. Jefferson President.
1802. Ohio a State.
1803. Louisiana purchase.
1804. Lewis and Clark expedition. XII Amendment.
1805-6. The Burr Conspiracy.
1806. Orders in Council. Berlin Decree.
1807. "Chesapeake" and "Leopard." Embargo.
1808. Slave trade illegal.
1809. Non-Intercourse substituted for Embargo. Madison President.
1810. "Macon Bill No. I."
1811. "Tippecanoe."
1812. War declared. Louisiana a State.
1813. War; Perry's Victory.
1814. The Hartford Convention. Washington burned. Treaty of Peace signed.
1815. January 4, the Hartford Convention adjourned. January 8, Jackson's victory at New Orleans. Unitarian secession from Congregational Church.
1816. Second National Bank chartered. Dallas' report on manufactures. Tariff act passed; generally regarded as the first protective tariff. American "Colonization Society" founded. Caucus system for nominating presidential candidates breaking down. National debt, $127,335,000. Calhoun's "bank bonus bill" for internal improvements introduced. Monroe elected President and Tompkins Vice-President, by 183 electoral votes, to 34 for King. Indiana admitted as a state.
1817. Monroe's tour through New England and the West. All internal taxes repealed. Specie payments resumed. The Seminole War in Florida begins. Madison vetoes an internal improvement bill. Mississippi admitted as a state. The "Savannah" the first steamship to cross the Atlantic.
1817-20. Old party names pass out of use. Local issues take the place of national. Speculation, followed by the first great crisis.
1818. Connecticut adopts a new constitution. Jackson invades Florida. Hangs Ambrister and Arbuthnot; thus involves the United States

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with England. Clay attacks Jackson in Congress. Increase of tariff on iron. Treaty with Great Britain. Fisheries, boundary, Oregon and commercial questions provided for. Illinois admitted as a state.

1819. Florida bought from Spain for $5,000,000. Struggle over the admission of Missouri begins. Arkansas organized as a Territory, with slavery. The crisis of 1819-21 begins. The National bank investigated. Specie payments again suspended, except in New England. The Supreme Court in McCullough vs. Maryland decides the National Bank law constitutional. The famous Dartmouth College case, and Webster's plea; held that Charters are contracts. An act against the slave trade. Alabama admitted as a state. University of Virginia chartered.

1820. The slave trade declared piracy. Liberia founded. The first(?) Missouri compromise. In Louisiana territory slavery to be forbidden north of latitude 36° 30′. Missouri enabling act passed. A constitution to be formed with or without slavery as its people wished. Monroe re-elected President and only one opposing vote. Maine admitted as a state. Population, U. S. 9,633,822.
(1) Free States, 5,132,000; (2) Slave States, 4,522,000.
Representatives in Congress: (1) Free States, 133; (2) Slave States, 90.

1821. The second (?) Missouri compromise, Clay's. Missouri admitted as a state. The Florida treaty ratified by Spain. New York forms a new constitution; extends suffrage. Intrigues for presidency, in 1824, begin. Crawford and Adams most prominent candidates. Jackon governor of Florida.

1822. Monroe vetoes the Cumberland road bill. Jackson comes forward as a presidential candidate.

1818-22. The independence of the Spanish-American states recognized by the United States.

1823. The so-called Monroe doctrine set forth. The "Holy Alliance" baffled in its American plans. Monroe's letter against the internal improvement plans and ideas of the times.

1824. The tariff rates increased; protection extended. The great Webster-Clay debate over protection. The last Congressional caucus to nominate presidential candidates. Crawford nominated for President by the caucus; Adams, Clay and Jackson by the

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state legislatures. Pennsylvania suggests a national nominating convention. Not carried out till 1831. Lafayette visits America. No choice by electors for president.
(1) Jackson, 99; (2) Adams, 84; (3) Crawford, 41; (4) Clay, 37.

1825. In Congress Clay's followers support Adams.
(1) Adams, 13 states; (2) Jackson, 7 states; (3) Crawford, 4 states.
Cry of "bargain and sale" raised. University of Virginia opened. Clay becomes Secretary of State. Adams urges internal improvements and a national university. The Erie canal opened. Webster's "Bunker Hill" oration. The Panama Congress. Clay's "Human Freedom League" to oppose the "Holy Alliance" proposed.

1826. Duel between Clay and Randolph. Trouble with Creek Indians in Georgia. July 4, Adams and Jefferson die. American Temperance Society at Boston.

1827. Congress in opposition to President Adams. Difficulties with England settled by Gallatin.

1828. Candidates for presidency nominated by state legislatures and mass conventions. The "tariff of abominations." Webster this year, for the first time, supports protection. The triumph of "the people" in the election of Jackson. Anti-Mason excitement. The disappearance of Morgan. South Carolina dissatisfied with the tariff law.

1829. Jackson's inauguration; popular demonstration. Jackson and Biddle begin the bank struggle. The "Kitchen cabinet." The "spoils system" introduced into national politics. The real beginning of railroads in the United States.

1830. The Maysville road veto by Jackson. The tariff bill modified; protection retained. Webster-Hayne debate. Nullification doctrine set forth. B. & O. railroad opened. Population 12,866,020.

1831. Jackson reorganizes his cabinet, and breaks with Calhoun. The Seminole controversy. The Nat Turner insurrection in Virginia. Abolition societies organized. The first national nominating convention. Garrison begins the "Liberator."

1832. The bank veto. Monopoly denounced. Jackson re-elected. Tariff act; again protection sustained. The Anti-Masons enter national politics. The first one-idea party. Nullification ordinance by South Carolina. Jackson

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issues his proclamation against nullification. Charles Carroll, the last of the signers of the Declaration of Independence, dies.

1833. The "force bill". Clay's compromise tariff bill. South Carolina withdraws her nullification act. The Webster-Calhoun debate. Jackson at his zenith. October 1, "removal of the deposits." Clay's land distribution bill vetoed. National abolition society organized.

1834. "Censure" of the president by the senate. The hard-money struggle; Benton. The Whig party formed and named. McCormick's reaping machine patented.

1835. Mob spirit everywhere; especially against abolitionists and catholics. National debt paid off. The "loco-focos." Prudence Crandall's school for colored girls closed. Struggle over "incendiary matter" in the mails. Indians of Georgia removed to Indian Territory.

1836. "Gag" resolutions in Congress against reception of "abolition" petitions. J. Q. Adams begins his great struggle for the "right of petition." Bill for "distribution of the surplus" $36,000,000, among the states. July 4, death of Madison. Van Buren elected president. Texas wins the victory of San Jacinto. The "specie circular" issued. Arkansas admitted as a state.

1837. The "expunging resolutions" adopted. Texas independence recognized. The United States presses for a settlement of her "claims" against Mexico. The great crisis and panic, speculation collapses. Van Buren for the "independent" or "sub-treasury." E. P. Lovejoy murdered. First proposal to annex Texas. Michigan admitted as a State.

1838. Continued troubles on the Canadian frontier. Smithsonian Institution founded.

1839. Trouble in organizing the House. The New Jersey seats. The "Amistad" case. The Daguerreotype first used in the United States.

1835-42. Era of "isms." Fourierism, homœopathy, hydropathy, the Graham diet, phrenology, etc. Transcendentalism, Emerson, Thoreau, Margaret Fuller, Hawthorne, etc.

1840. The "Tippecanoe and Tyler too" campaign. Election of Harrison, on "hard cider and log-cabin cry." Sub-treasury act passed. The Liberty party first appears in a national contest. Population, 17,069,453.

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1830-40. A real American literature beginning to appear. Cheap newspapers, the Sun, 1833; the Herald, 1835; the Tribune, 1841, etc.

1841. Utter collapse of the "Second National Bank" and President Harrison's death. Sub-treasury act repealed. Clay and Tyler in opposition. Tyler and his cabinet quarrel over Tyler's bank vetoes.

1842. The Ashburton-Webster treaty. Protective tariff law enacted. State debts repudiated. Dickens visits America. The Dorr rebellion in Rhode Island. Dr. Whitman travels on horseback from Oregon to St. Louis.

1843. Webster resigns as Secretary of State.

1844. Treaty of Annexation with Texas, rejected by the Senate. Clay defeated by Polk for president. The telegraph first used, Baltimore to Washington. The Democratic campaign cry, "54° 40′ or fight."

1845. Joint resolution for annexing Texas. Polk's four great measures announced to Bancroft; Tariff reduction, acquisition of California, the independent or sub-treasury restored, Oregon boundary settled; all accomplished. Florida admitted as a state. Texas admitted as a state.

1846. The independent treasury act passed. The Oregon boundary line settled. A treaty with Great Britain. California and New Mexico seized. The so-called free-trade tariff passed. The "Wilmot-Proviso" proposed. Howe invents the sewing machine. Iowa admitted as a state.

1847. Victories over Mexico. Renown of Taylor and Scott. Lincoln first appears in national politics. Douglas' first term in the Senate.

1848. Taylor elected over Cass. The "Free-Soil" movement; Van Buren its candidate. Treaty of Guadaloupe Hidalgo. February 23, J. Q. Adams dies. Calhoun asserts right of slaveholder to take his slave into any territory of the United States. Discovery of gold in California. The Mormons emigrate to Utah. Wisconsin admitted as a state.

1849. Struggle in Congress continues over organization of the territories. Rush to gold fields of California.

1850. Webster's "7th of March" speech. Seward's "Higher Law" speech, March 11. Clay's compromise adopted. California a free state. Slave trade in District of Columbia to end. Texas boundary settled. Texas paid $10,000,000. Utah and New Mexico territories with-

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out specification as regards slavery. Fugitive slave law. The Clayton-Bulwer treaty. Death of President Taylor. Fugitive slave excitement begins. Population, 23,191,876.

1851. "Filibusterers" invade Cuba. Letter postage reduced to three cents. Disunion threatened. Visit of Kossuth. Webster's Hulseman letter. Maine liquor law.

1852. Scott and Pierce. The "Tweedle-Dee and and Tweedle-Dum" campaign. Scott carried only four states, Kentucky and Tennessee, Massachusetts and Vermont. Clay and Webster die. "Uncle Tom's Cabin."

1853. The Koszta difficulty. The Gadsden purchase.

1854. The Kansas-Nebraska bill. Douglas urges his "popular sovereignty" doctrine. "Filibustering" against Cuba. The Know-Nothings come into being. The Republican party organized. The "Ostend Manifesto." The struggle begins in Kansas. Treaty with Japan.

1855. Personal liberty laws in northern states. The "New England Colonization" society. Missouri invades Kansas. Banks elected speaker of the House.

1856. Wm. Walker in Nicaragua. Sumner assaulted by Brooks. Whigs and Americans nominate Fillmore. Republicans nominate Fremont. Democrats nominate and elect Buchanan. The first geographical party campaign. Sack of Lawrence, Kansas. Threats of disunion should Fremont be elected.

1857. March 6, the Dred Scott Decision. The Lecompton constitution. Douglas breaks with Buchanan. The new Tariff Act. Duties lowered. The panic and crisis.

1858. Rebellion in Utah. Atlantic Cable laid. The Lincoln-Douglas debate. Seward's "irrepressible conflict" speech at Rochester. Minnesota admitted as a state.

1859. John Brown invades Virginia. Election of Speaker. Helper's "Impending Crisis." Great Excitement in Congress. Oregon admitted as a state.

1860. Lincoln and the Republicans. No slave extension. Douglas and "Popular Sovereignty" Democrats. Bell and the "Union." Breckenridge and slave extension. Secession ordinance passed by South Carolina. Various plans for compromise. J. J. Crittenden. Population, 31,443,321.

1861. The Peace Conference; all plans fail. Davis elected President of the Southern Confed-

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eracy. Attack on Sumpter. War. Kansas admitted as a state. Lincoln inaugurated.
1862. The "Monitor."
1863. Emancipation proclamation. National Bank Act. Gettysburg. Draft riots.
1864. Lincoln re-elected. Maryland abolishes slavery. Confederacy split by Sherman.
1865. War ends; Assassination of Lincoln; Johnson President. Thirteenth Amendment.
1866. Atlantic Cable.
1867. Alaska bought.
1868. Impeachment of President Johnson. Fourteenth Amendment adopted.
1869. Grant President. Pacific railroad completed.
1870. Fifteenth Amendment. Treaty for San Domingo. Population, 38,558,371.
1871. All states again in Congress. Chicago fire. The Washington Treaty.
1872. Geneva Award. Boston fire.
1873. Panic.
1876. The Centennial at Philadelphia. Colorado a state.
1877. Electoral Commission; Hayes President. Railway strike.
1878. Bland Silver Bill.
1879. Specie payments resumed.
1880. Population, 50,155,783.
1881. Garfield President—assassinated; Arthur President.
1883. Civil Service Act. Letter postage two cents.
1885. Cleveland President.
1887. Inter-State Commerce Act.
1889. Harrison President.
1890. Population, 62,622,250.
1893. Columbian Fair. Cleveland President.
1897. McKinley President.
1898. Spanish War. Hawaii annexed.
1899. Annexation of Islands.

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